



**BOARD OF ADJUSTMENT AGENDA**  
Regular Scheduled Meeting  
Thursday, January, 28, 2016  
7:00 PM

**I. Opening of the meeting**

**II. Invocation**

**III. Roll call**

**IV. Old Business**

1. None

**V. New Business**

1. A request has been made by Mr. Richard Alligood for a **Variance** from Section 40-147 of the City of Washington Zoning Ordinance from the setback and locational requirements in order to locate a detached storage building in the front side yard of the property located at 113 Pine Lane. The property is zoned R15S and the detached storage buildings are required to be located in the rear yard of the property
2. A request has been made by Mr. Michael Doran, acting as agent for US Cellular, for a **Variance** from Section 40-357 of the City of Washington Zoning Ordinance from the dimensional requirements (height) in order to construct a 38 foot addition to the existing monopole cellular tower located at 1436 Highland Drive. The property is currently zoned O&I (Office and Institutional) and requires a Variance in order to construct a tower over 100 feet.
3. A request has been made by Mr. Donald Stroud for a **Petition on Appeal** for an interpretation of an administrative decision on the issuance of a building permit to allow a single family residential dwelling to be converted to a multifamily residential dwelling in the B1H (Business Historic) District.

**VI. Other Business**

1. None

**VII. Approval of minutes – October 22, 2015**

# **Variance Request**

Richard Alligood

113 Pine Lane

# Variance Request

113 Pine Lane



A request has been made by Mr. Richard Alligood for a **Variance** from Section 40-147 of the City of Washington Zoning Ordinance from the setback and locational requirements in order to locate a detached storage building in the front side yard of the property located at 113 Pine Lane. The property is zoned R15S and the detached storage buildings are required to be located in the rear yard of the property.



102 East Second Street  
Washington, NC 27889  
252-975-9383

January 20, 2016

**Subject: Variance Request**

Dear Adjoining Property Owner:

The Department of Planning and Development has received a request from Mr. Richard Alligood for a **Variance** from Section 40-147 of the City of Washington Zoning Ordinance from the setback and locational requirements in order to locate a detached storage building in the front side yard of the property located at 113 Pine Lane. The property is zoned R15S and the detached storage buildings are required to be located in the rear yard of the property.

The Board of Adjustment will hold its public hearing on the Variance request at the following date and time:

**Date: Thursday, January 28, 2016**

**Place: City Council Chambers - City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.**

**Time: 7:00 P.M.**

The public is welcome to attend this public hearing and present evidence either in support of or in opposition to the request.

During the meantime, should you have any questions, please feel free to call the Department of Planning and Development at 975-9317 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

Glen Moore  
Planning Administrator

City of Washington  
Department of Planning and Development  
Application for a Variance  
Page 1: Applicant Information & Statement, Relevant Factors

Date: 1-18-16	Fee: \$150.00
Applicant: Richard Charles Alligood	
Address: 113 Pine Ln Washington NC 27889	
Phone No.: 252-402-2434	
Location of property for which variance is requested: 113 Pine Ln Washington NC 27889	
(Address of Property)	
Parcel Tax Card No.: 5667-72-6700	Zone: R15S

TO THE BOARD OF ADJUSTMENT:

I, Richard Alligood  
(Name of Applicant)

hereby petition the Board of Adjustment for a **VARIANCE** from the literal provisions of the City of Washington Zoning Ordinance because it prohibits the use of the parcel of land described above in a manner shown by the attached plot plan. I request a variance from the following provisions of the ordinance:

so that the property can be used in a manner indicated by the attached plot plan or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:

**FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance:

- a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.
- b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and
- c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

City of Washington  
Department of Planning and Development  
Application for a Variance  
Page 2: Applicant Responses to Relevant Factors, Pt. 1

In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

**a. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE.**

The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist.

State facts and arguments in support of each of the following:

(1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property.

Note: It is not sufficient that failure to grant the variance simply makes the property less valuable.

Statement by Applicant: The garage being built is not going to be a business or turned into a business. It is a garage built for personal use to store vehicles and other personal properties such as lawn mowers, four wheeler, tools etc. safely and out of sight.

(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land.

Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land. Hardship in this sense means only a physical problem with the land, i.e. a ditch which runs through the property.

Statement by Applicant: The side yard is the only available area on the lot left to put a garage.

(3) The hardship is not the result of the applicant's own actions.

Statement by Applicant: The septic system existed in the backyard at the time of purchase. I was unaware where the septic system was and the fact that the system was in need of replacement.

City of Washington  
Department of Planning and Development  
Application for a Variance  
Page 3: Applicant Responses to Relevant Factors, Pt. 2

In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

**b. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT.**

State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land, and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.

Statement by Applicant: Putting the garage on the side of the lot is the only practical and aesthetically pleasing location left on the property. A paved driveway separates the front and side yard and will be connected to the garage. The structure will be professionally constructed to code. It is being built for personal use, not business.

**c. THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE.**

State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.

Statement by Applicant: If the variance is denied, I will have to relocate to a property with a garage or where a garage can be built to store personal property safely. This will prove to be a costly venture which will cause me great financial hardship.

**NOTE: APPLICANTS, AND/OR THEIR AGENTS OR PARTIES OF INTEREST ARE PROHIBITED FROM ANY CONTACT IN RELATION TO THIS MATTER WITH BOARD OF ADJUSTMENT MEMBERS OR PLANNING BOARD MEMBERS PRIOR TO THE PUBLIC HEARING.**

I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Respectfully submitted, this 19<sup>th</sup> day of January, 2016.

  
(Signature of Applicant)

City of Washington  
Department of Planning and Development  
Application for a Variance  
Page 4: Property Owners Within 100 Feet

List the adjoining property owners within 100 feet of the property in question.  
(Note: Where the property is bound by a street, alley, stream, or similar boundary, the land owner across such a boundary shall also be considered an adjoining land owner.)

TO FIND LISTINGS OF ADJOINING PROPERTY OWNERS, FOLLOW THESE STEPS:

1. Locate the subject property on the map in the City Planning Office and write down the entire parcel number. Be sure to write down the map number, section number, and individual parcel number, in that order (example: 5675-06-3291).
2. Go to the Beaufort County Land Records Office at 220 N. Market Street, show the attendant the parcel number, and ask the attendant to run off a map of the property that shows the adjacent property for at least 100 feet on all sides. The attendant can look up the owners names, parcel numbers, and addresses for the lots within 100 feet of the subject property, or show you how to find the information on the land records computer.  
Note: In the Beaufort County records, the parcel number is called the "alternate parcel number".
3. Write down the name(s) of the owners of each of the adjacent lots within 100 feet, the parcel number of the lot, and the owner's entire address below. If no address is listed, make a note to that effect.

BE NOTE: ACCURACY IS VERY IMPORTANT BECAUSE IF SOMEONE WITHIN 100 OF THE PROPERTY IN QUESTION FAILS TO GET NOTIFIED, THE REQUEST MAY BE DENIED EVEN IF THE BOARD VOTES IN YOUR FAVOR.

NAME	PARCEL NUMBER	ADDRESS
1. See Attached		
2. Kathleen Pearce	5667-72-6691	111 Pine Ln
3. Jeffrey Elks	5667-72-4851	201 Pine Ln
4. Howard Huges	5667-72-4516	114 Pine Ln
5. (Bank owned)	5667-72-4454	112 Pine Ln
6. Harold Pierce	5667-72-5987	202 Wharton St
7.		
8.		
9.		
10.		

(USE ADDITIONAL SHEET(S) IF NECESSARY)



**City of Washington**  
**Department of Planning and Development**  
**Application for a Variance**  
**Page 5: Owner Authorization for Non-Owner Application**

**NOTE: IF THE PERSON WHO IS REQUESTING THE BOARD OF ADJUSTMENT TO TAKE ACTION ON A PARTICULAR PIECE OF PROPERTY IS NOT THE OWNER OF THE PROPERTY OR DOES NOT HAVE A BINDING OPTION TO PURCHASE THE PROPERTY, THEN THE ACTUAL OWNER OF THE LAND MUST COMPLETE THIS FORM.**

Dear Sir or Madam,

I am the owner of the property located at:

I hereby authorize:

to appear with my consent before the City of Washington Board of Adjustment in order to ask for a variance from:

I understand that the variance, if granted, is permanent and runs with the land. I authorize you to advertise and present this matter in my name as the owner of the property.

If there are any questions, you may contact me at my address:

or by telephone at:

Respectfully yours,

(Owner)

Sworn to and ascribed before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Notary Public)

My commission expires: \_\_\_\_\_

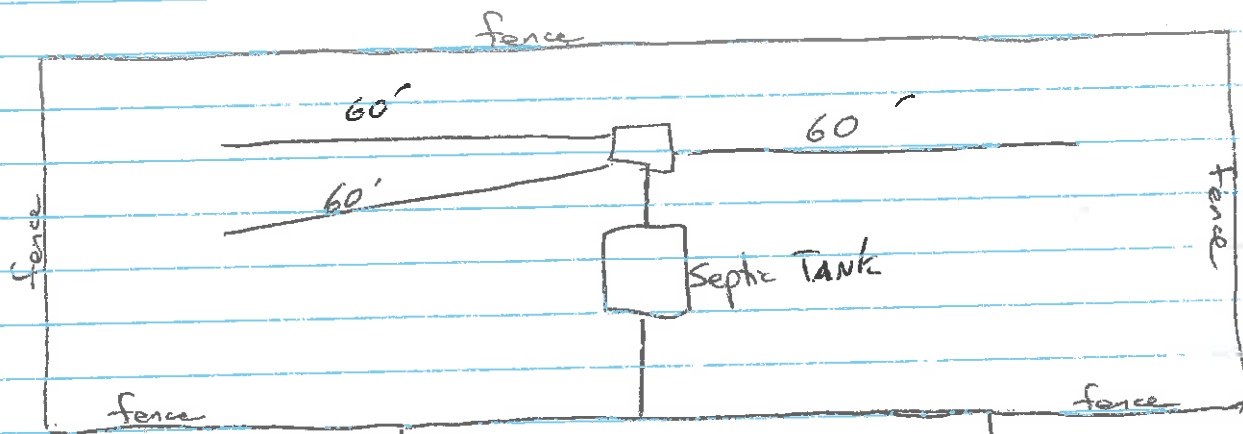
The community of Rosedale consents to the construction of a personal use garage measuring 24' X 49' on the residential property of 113 Pine Lane- Washington, North Carolina. The individuals in agreement are listed below:

1. NAME (print)- Jeffrey Ellis  
NAME (signature)- [Signature]  
PHONE- 252-945-3406  
ADDRESS- 201 Pine Lane  
DATE- 1/18/16
2. NAME (print)- Emily Smith  
NAME (signature)- [Signature]  
PHONE- 944-7320  
ADDRESS- 402 Wharton St.  
DATE- 1/18/16
3. NAME (print)- Caroline Freeman  
NAME (signature)- [Signature]  
PHONE- (252) 940-8877  
ADDRESS- 113 Beech Lane  
DATE- 1/18/16
4. NAME (print)- Deborah Waters  
NAME (signature)- [Signature]  
PHONE- (252) 402-9585  
ADDRESS- 111 Beech Lane Washington  
DATE- 1/18/16
5. NAME (print)- [Signature]  
NAME (signature)- [Signature]  
PHONE- (252) 565-2107  
ADDRESS- 202 Wharton St - Washington, NC  
DATE- 1/18/16
6. NAME (print)- Tamara Hodges  
NAME (signature)- [Signature]  
PHONE- 946-6930  
ADDRESS- 114 Pine Lane  
DATE- 1-18-16
7. NAME (print)- Howard Hodges  
NAME (signature)- [Signature]  
PHONE- 946-6930  
ADDRESS- 114 Pine Lane  
DATE- 1-18-16
8. NAME (print)- Kenneth Graham  
NAME (signature)- [Signature]  
PHONE- 252-402-5474  
ADDRESS- 115 Beech Lane  
DATE- 1-18-2016

9. NAME (print)- Cornelia Graham  
NAME (signature)- Cornelia Graham  
PHONE- (252) 944-7694  
ADDRESS- 115 Bleach Ln  
DATE- 1-18-16
10. NAME (print)- Michael Hyatt  
NAME (signature)- Michael Hyatt  
PHONE- (252) 402-8922  
ADDRESS- 114 Cedar Ln  
DATE- 1-18-16
11. NAME (print)- Chynna Cobb  
NAME (signature)- Chynna Cobb  
PHONE- 252-375-9088  
ADDRESS- 204 Cedar Lane  
DATE- 1-18-16
12. NAME (print)- Kathleen Pearce  
NAME (signature)- Kathleen Pearce  
PHONE- 410-860-8522  
ADDRESS- 111 Pine Lane  
DATE- 1/18/16
13. NAME (print)- \_\_\_\_\_  
NAME (signature)- \_\_\_\_\_  
PHONE- \_\_\_\_\_  
ADDRESS- \_\_\_\_\_  
DATE- \_\_\_\_\_
14. NAME (print)- \_\_\_\_\_  
NAME (signature)- \_\_\_\_\_  
PHONE- \_\_\_\_\_  
ADDRESS- \_\_\_\_\_  
DATE- \_\_\_\_\_
15. NAME (print)- \_\_\_\_\_  
NAME (signature)- \_\_\_\_\_  
PHONE- \_\_\_\_\_  
ADDRESS- \_\_\_\_\_  
DATE- \_\_\_\_\_

# PROPOSED GARAGE LAYOUT

WHARTON STREET



HOUSE

GARAGE

Connected concrete

DRIVE WAY

PINE LANE

**C.H. Elks & Son**  
Septic Tank Co.  
418 Elks Road  
Chocowinity, N.C. 27817  
252-946-6804

**Contractors Invoice**

WORK PERFORMED AT:

TO:

113 Pine Ln  
Washington, NC

DATE

1-13-16

YOUR WORK ORDER NO.

OUR BID NO.

**DESCRIPTION OF WORK PERFORMED**

To whom it may concern this is to let you know that Mr. Alligoods septic system is located in his back yard and does not leave enough space for anything to be built and have the proper setbacks. Also on Jan. 13, 2016 additional drain lines were added to his septic system.

Hank Elks

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of \_\_\_\_\_

Dollars (\$ \_\_\_\_\_).

This is a ☐ Partial ☐ Full invoice due and payable by: \_\_\_\_\_

in accordance with our ☐ Agreement ☐ Proposal No. \_\_\_\_\_ Dated \_\_\_\_\_



JAMES SUTTON, P.E.  
STRUCTURAL ENGINEERING  
11703 DURANT RD  
RALEIGH, NC 27614  
P (919) 675-1680  
F (919) 324-3681  
JSUTTONPE@GMAIL.COM

Client:

Superior Metal Structures & Concrete  
326 Catherine Square Rd  
Beulaville, NC 28518  
(p) 252-286-4512

Project:

24'x49'x10'  
Richard Aliquood  
113 Pine Ln  
Washington, NC 27889

Job No:

1501-1109

Date:

11/24/15

Sheet:

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NOTES

DESIGN CRITERIA

1. BUILDING CODE.....2012 NORTH CAROLINA BUILDING CODE

2. IMPORTANCE FACTORS WIND (Iw) 0.87  
SNOW (Is) 0.80  
SEISMIC (Iw) 1.0

3. GROUND SNOW LOAD.....10 PSF

4. ROOF LL.....5 PSF (NO FOOT TRAFFIC)

5. WIND

A) BASIC WIND SPEED (ASCE 7-05) .....110 MPH  
B) WIND HAZARD EXPOSURE CATEGORY.....B  
C) WIND BASE SHEARS (for MWFRS)  $V_x = 2.4$  k  $V_y = 2.4$  k (PER FRAME)

6. SEISMIC

A) SEISMIC DESIGN CATEGORY A  
COMPLIANCE WITH SECTION 1616.4 ONLY? ☐ YES ☒ NO

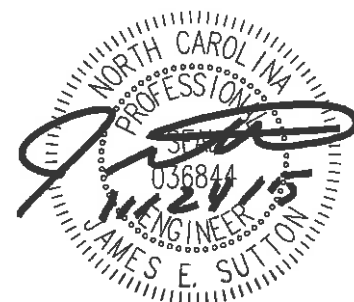
B) SEISMIC DESIGN CATEGORY ☐ B ☒ C ☐ D

SEISMIC USE GROUP 1  
SPECTRAL RESPONSE ACCELERATION  $S_s$  14.8 %g  $S_1$  6.1 %g  
SITE CLASSIFICATION D FIELD TEST ☒ PRESUMPTIVE ☐ HISTORICAL DATA  
BASIC STRUCTURAL SYSTEM (CHECK ONE)  
☐ BEARING WALL ☐ DUAL W/SPECIAL MOMENT FRAME  
☐ BUILDING FRAME ☐ DUAL W/INTERMEDIATE R/C OR SPECIAL STEEL  
☒ MOMENT FRAME ☐ INVERTED PENDULUM  
SEISMIC BASE SHEAR  $V_x = 0.5$  k  $V_y = 0.5$  k (PER FRAME)

ANALYSIS PROCEDURE ☒ SIMPLIFIED ☐ EQUIVALENT LATERAL FORCE ☐ MODAL  
ARCHITECTURAL, MECHANICAL, COMPONENTS ANCHORED? ☐ NO  
LATERAL DESIGN CONTROL: EARTHQUAKE ☐ WIND ☒

OTHER NOTES

- PRESUMPTIVE SOIL PRESSURE = 2,000 PSF.
- WHERE A DETAIL IS SHOWN ON STRUCTURAL DRAWINGS FOR ONE CONDITION, IT SHALL APPLY TO ALL SIMILAR OR LIKE CONDITIONS, UNLESS NOTED OR SHOWN OTHERWISE.
- IF CONTRACTOR FINDS A DIFFERENCE BETWEEN THESE DRAWINGS AND EXISTING ELEVATIONS, OR OTHER CONDITIONS WHICH PROHIBIT EXECUTION OF THE WORK AS DIRECTED ON THESE DRAWINGS, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.
- ALL ITEMS SHALL BE TIGHTLY ANCHORED OR ATTACHED SQUARE, PLUMB AND TRUE, OR IN OTHER PLANES OR SHAPES AS SHOWN ON THE DRAWINGS. JOINTS SHALL BE TIGHT, EVEN, AND FREE OF OFFSETS. NO FIELD ALTERING OF ANY MEMBERS WILL BE ALLOWED THAT WILL CAUSE THEM NOT TO BE IN ACCORDANCE WITH THE DRAWINGS AND THEM NOT TO BE IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS, WITHOUT WRITTEN APPROVAL OF THE DESIGN ENGINEER.
- GENERAL CONTRACTOR IS RESPONSIBLE TO PROVIDE ADEQUATE SHORING, BRACING OR SUPPORT TO PREVENT MOVEMENT, SETTLEMENT, OR DAMAGE TO THE STRUCTURE DURING CONSTRUCTION PROCEDURES ASSOCIATED WITH THIS PROJECT.
- CONCRETE: CONCRETE MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS SHALL BE 3000 PSI.
- CONCRETE WORK SHALL COMPLY WITH ACI "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDING (ACI 301) AND APPLICABLE PROVISIONS OF ACI 318. KEEP A COPY OF ACI FIELD REFERENCE MANUAL (ACI-SP-15) WHICH INCLUDES ACI 301 AND OTHER ACI AND ASTM REFERENCES ON THE JOB.
- FIBER MESH MAY BE SUBSTITUTED FOR WWM PER MANUFACTURER'S RECOMMENDATIONS.
- ALL FOOTING FOUNDATIONS SHALL BE PLACED ON COMPETENT SOIL.
- REINFORCING STEEL: ASTM A615, GRADE 60. PROVIDE 3" CLEARANCE TO EARTH SURFACES. LAP BARS 30 DIAMETERS.
- ALL GALVANIZING SHALL BE PERFORMED AFTER FABRICATION, AND IN ACCORDANCE WITH ASTM A123 AND/OR A153.
- THE MINIMUM YIELD STRENGTH OF THE STEEL USED IN THE LIGHT GAUGE METAL FRAMES SHALL BE 55,000 PSI, FOR RAW OR GALVANIZED TUBES.
- THE MINIMUM YIELD STRENGTH OF THE STEEL USED FOR THE LIGHT GAUGE METAL DECK SHALL BE 80,000 PSI, DECKING PANELS SHALL COVER THREE SPANS, MINIMUM.
- THE LIGHT GAUGE METAL FRAMES AND DECK SHALL BE OF THE GAUGE INDICATED ON THE PLAN/DETAILS.
- ALL SCREWS FOR ASSEMBLING FRAMES SHALL BE #12 SIZE.
- ALL WELDING SHALL BE IN ACCORDANCE WITH AWS D1.1.
- ALL WELDS SHALL BE COATED WITH GALVANIZE PRIMER & PAINT AFTER WELDING.





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**Client:**

Superior Metal Structures & Concrete  
326 Catherine Square Rd  
Beulaville, NC 28518  
(p) 252-286-4512

**Project:**

24'x49'x10'  
Richard Allgood  
113 Pine Ln  
Washington, NC 27889

**Job No:**

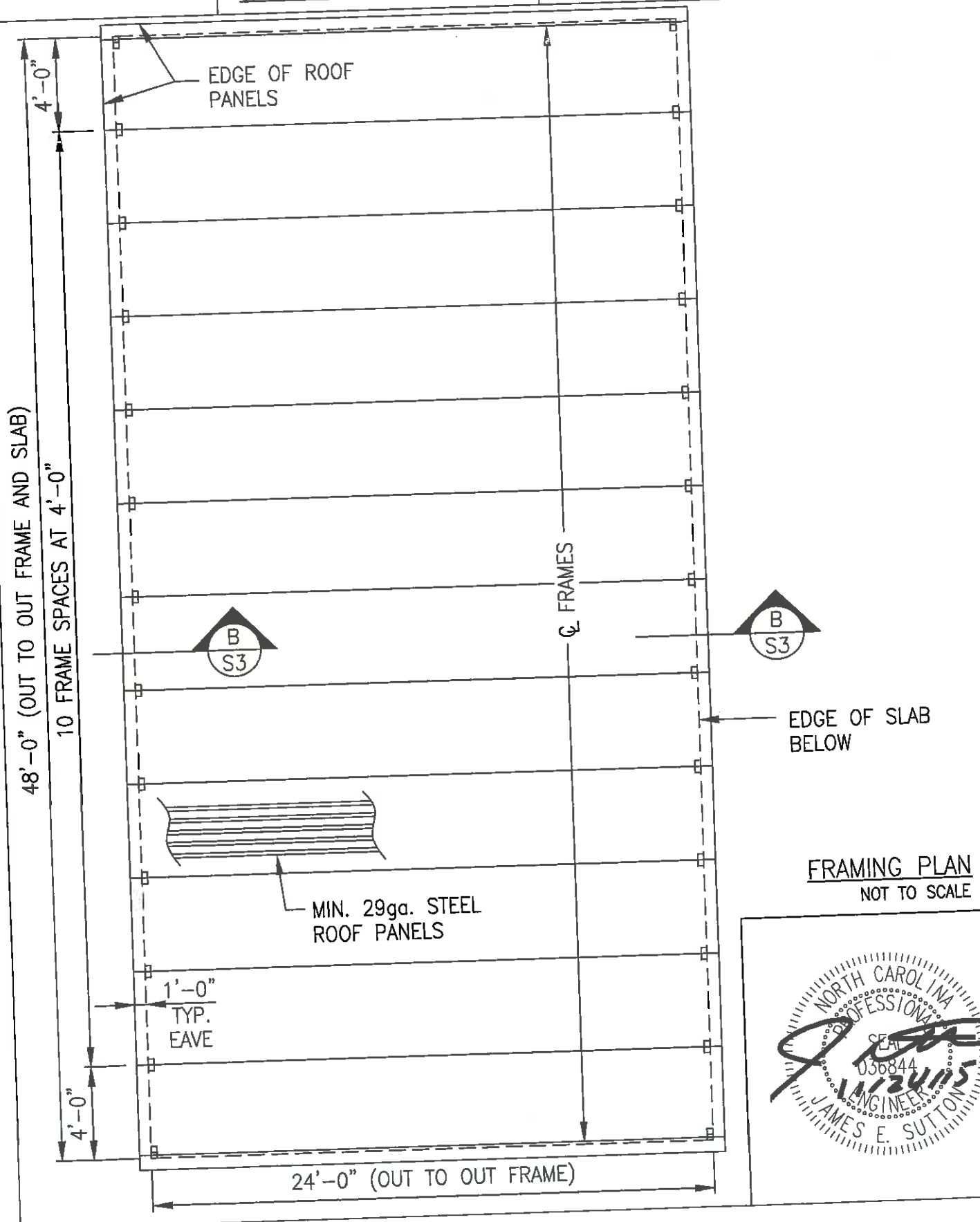
1501-1109

**Date:**

11/24/15

**Sheet:**

S2





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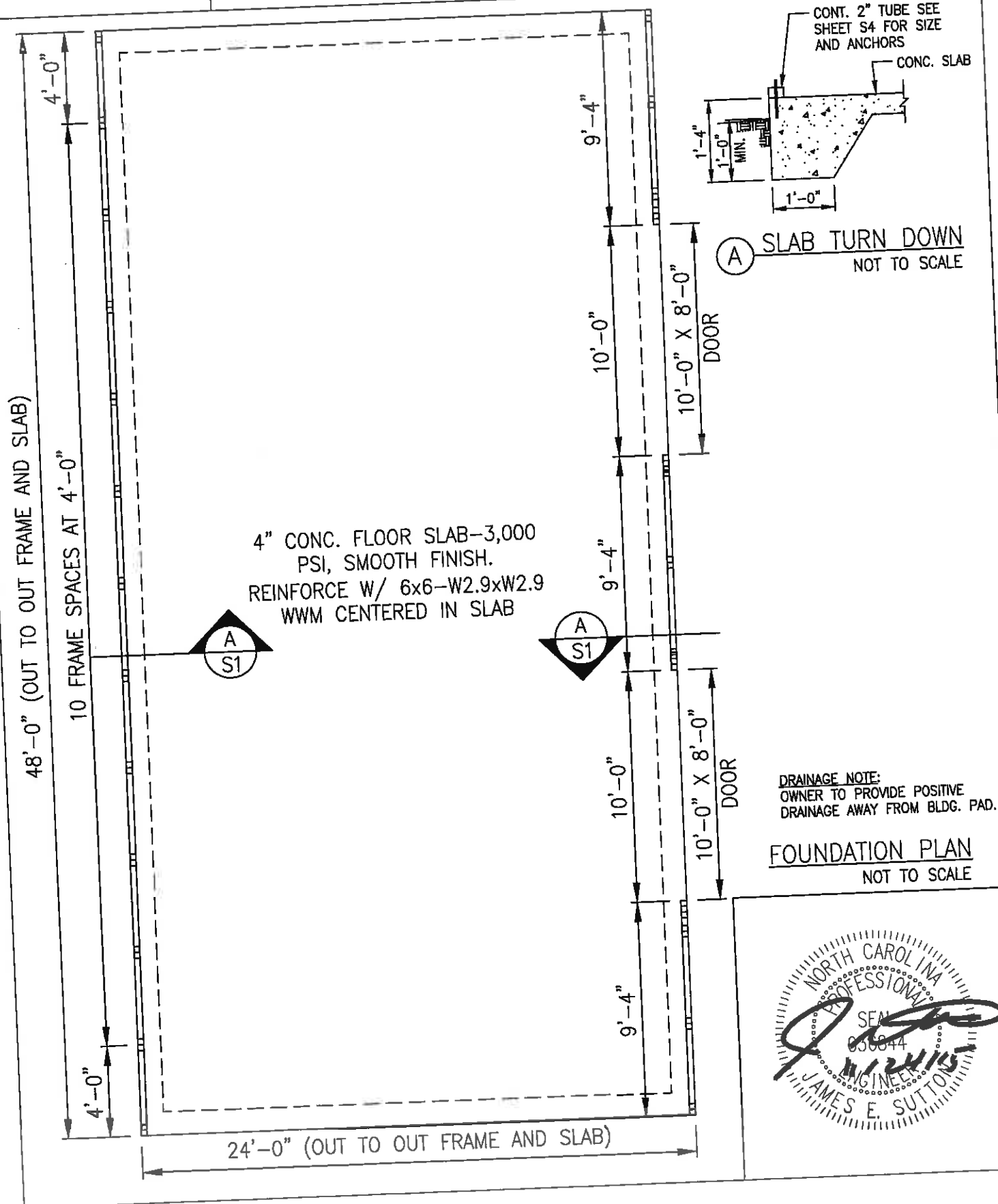
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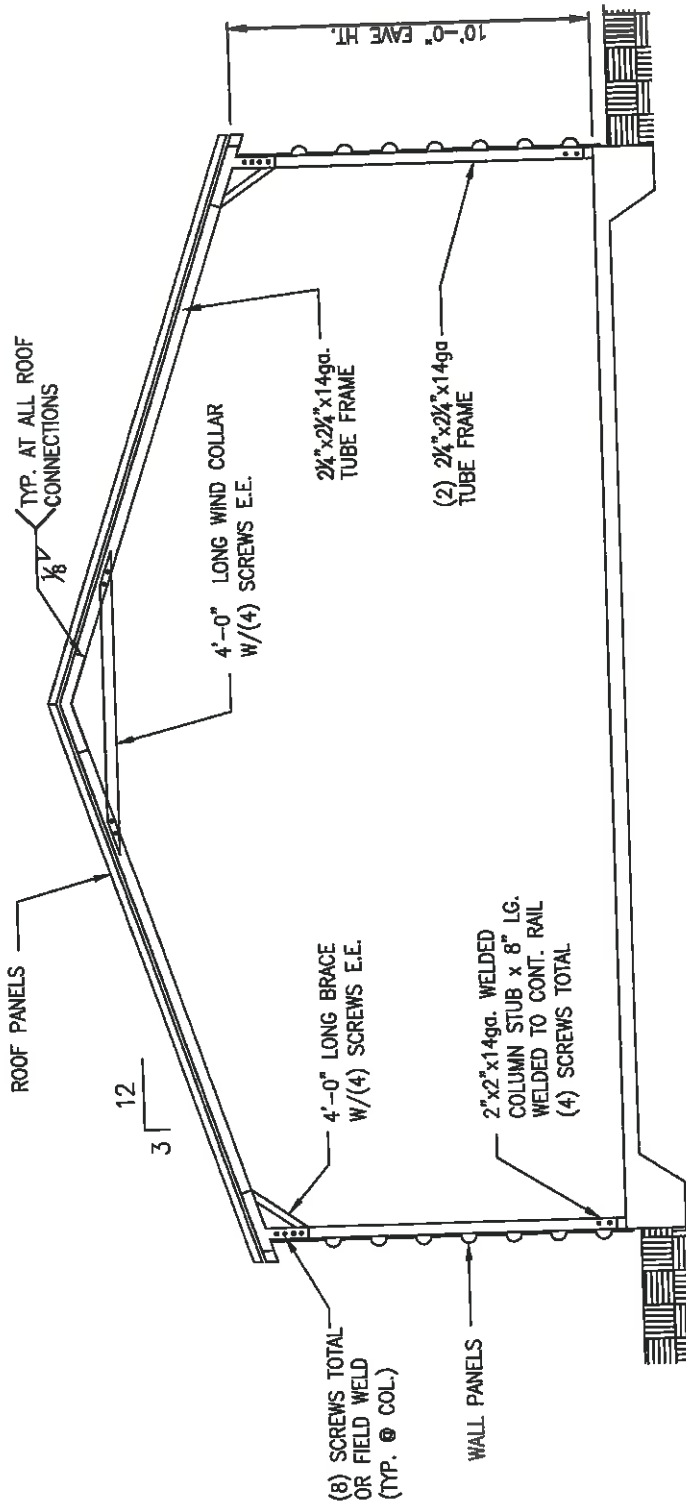
1501-1109

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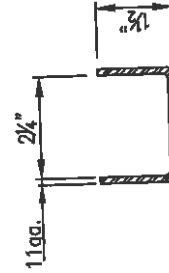
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**Sheet:**

S3



TYPICAL CROSS SECTION B-B  
NOT TO SCALE



TYP. WIND COLLAR/BRACE  
NOT TO SCALE

CABLE END WALL FRAMING  
CABLE END WALLS SHALL BE FRAMED USING  
2-1/4" 14ga SQUARE TUBES TO THE BOTTOM  
RAIL AND RAFTERS W/ L-CLIPS AND (2)  
SCREWS IN EACH LEG OF THE CLIP. ANY STUDS  
OVER 13'-0" IN LENGTH SHALL BE (2) 2-1/4"  
14ga AND ATTACHED W/ (2) L-CLIPS AND (2)  
SCREWS IN EACH LEG OF THE CLIP.





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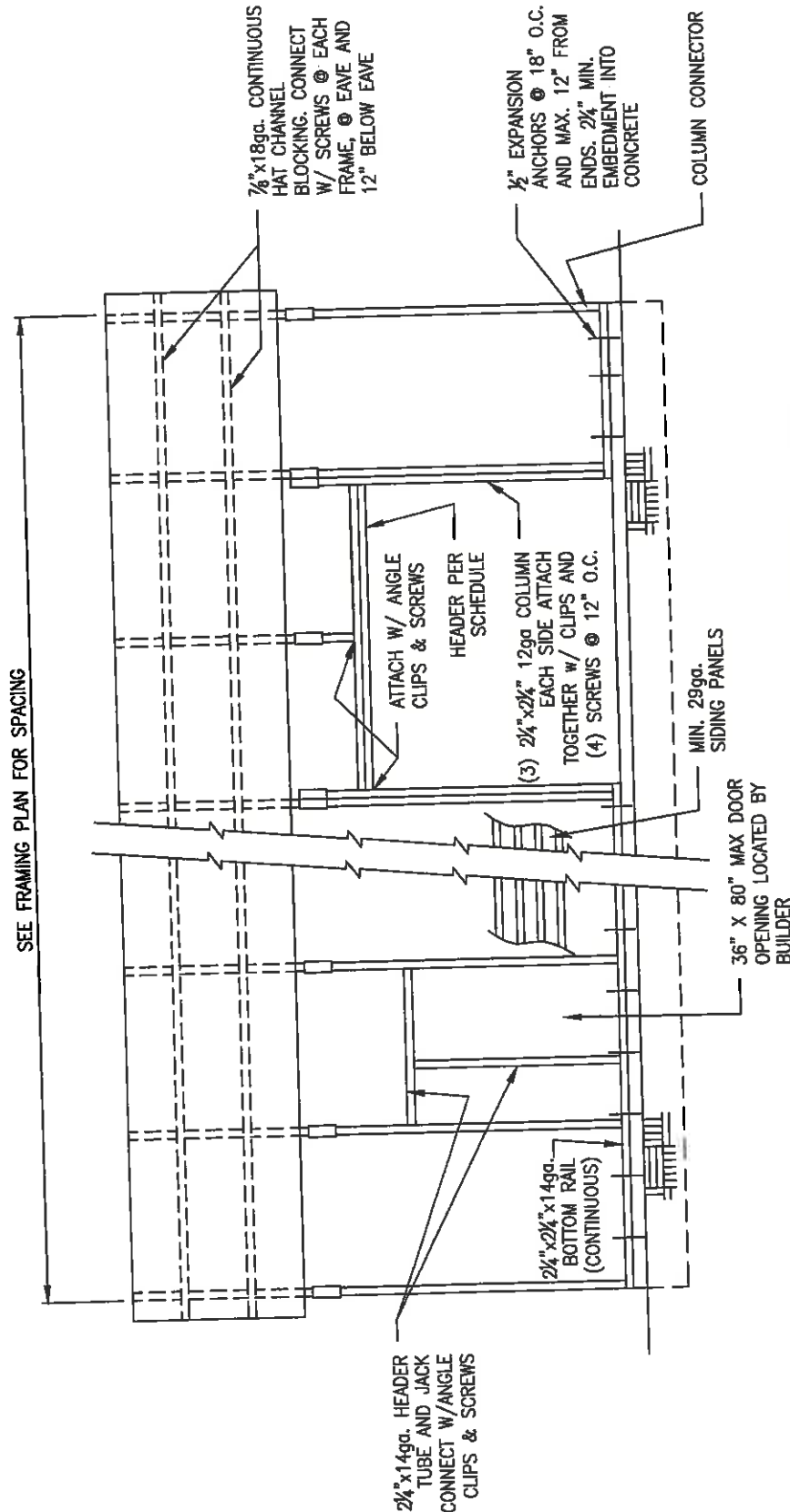
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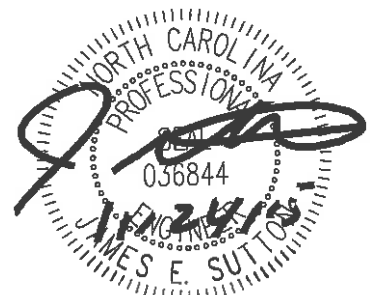
S4



DOOR HEADER SCHEDULE  
10'-0" X 8'-0" (2) 2 1/4" x 2 1/4" x 12ga

**SIDE ELEVATION**  
NOT TO SCALE

**DOOR OPENING NOTE:**  
FOR DOORS PLACED IN GABLE END WALLS ONLY. EXACT LOCATION TO BE DETERMINED BY BUILDER. MINIMUM HEADER SIZE (2) 2-1/4" 14ga SQUARE TUBES ATTACHED TOGETHER W/ CLIPS AND SCREWS @ 1'-0" O.C. MINIMUM (1) 2-1/4" KING STUD EACH SIDE. ATTACH USING ANGLE CLIPS AND SCREWS



# **Variance Request**

Michael Doran, US Cellular  
1436 Highland Drive

# Variance Request

1436 Highland Drive



A request has been made by Mr. Michael Doran, acting as agent for US Cellular, for a **Variance** from Section 40-357 of the City of Washington Zoning Ordinance from the dimensional requirements (height) in order to construct a 38 foot addition to the existing monopole cellular tower located at 1436 Highland Drive. The property is currently zoned O&I (Office and Institutional) and requires a Variance in order to construct a tower over 100 feet.



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252-975-9383

January 20, 2016

**Subject: Variance Request**

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The Board of Adjustment will hold its public hearing on the Variance request at the following date and time:

**Date: Thursday, January 28, 2016**

**Place: City Council Chambers - City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.**

**Time: 7:00 P.M.**

The public is welcome to attend this public hearing and present evidence either in support of or in opposition to the request.

During the meantime, should you have any questions, please feel free to call the Department of Planning and Development at 975-9317 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

Glen Moore  
Planning Administrator

## STATEMENT IN SUPPORT OF APPLICATION

USCOC of Greater North Carolina, LLC, ("Applicant") is a federally-licensed wireless provider of wireless communication services that respectfully request the County of Pitt to grant their CUP petition for the approval(s) needed for the installation of a wireless communications facility (the "Proposed Facility") on a property commonly known as 1436 Highland Drive Washington, North Carolina (the "Site"), as further described in the submitted application and its attachments. This request is made under Ordinance section ARTICLE XIV-TELECOMMUNICATION TOWERS AND ANTENNAS

### PROJECT DESCRIPTION & FINDINGS

The Applicant proposes to remove the existing 100' monopole and construct a 130' monopole and wireless communications facility located at 1436 Highland Drive Washington, North Carolina on a parcel commonly known as 1436 Highland Drive Washington, North Carolina Pin 5686-52-6917 (the "Site"). The Facility is described in detail below and is further described in the attached plans and survey. The subject parcel is zoned \_\_ Industrial

The new proposed facility would consist of a 130' monopole and once that is constructed applicant will remove existing 100' monopole with 90 days this will still remain within a 50' x 50' fenced in area. There will also be a masonry building approximately 11'.3" x 19'-4" x 10'

The Proposed NEW monopole made of steel and have a light gray color it also will be designed to support additional wireless user thereby decreasing the need for future towers in the area.

The Applicant has been sensitive in the selection and design of the Proposed Facility By locating the Proposed Facility on this Property the Applicant believes this site location is primarily out of view to the back of the County property surrounded by 100' trees which could provide less of a view shed issue. I would like to add that with the potential for new development in the surrounding area along with the existing Hospital and school in the area would be in harmony with the surrounding area and the land uses near the subject property. The granting of the zoning relief being sought will not affect the normal and orderly development of the surrounding area. To the contrary, reliable utility networks such as electric, gas, water, and wireless networks are essential to the development and well-being of every community.

The design and construction of the Proposed Facility does not create any substantial adverse effect, including value and injury (public safety) to the surrounding properties. The Proposed Facility will comply with all applicable structural engineering requirements and, if approved, will be inspected by the City of Washington on a yearly basis under section 40-362 Maintenance .The Facilities will be unstaffed and typically

require one or two routine visits a month by a service technician. Hence, the Facility will not have a material impact on parking or traffic.

The NEW Facility will be designed and constructed to meet all applicable governmental and industry safety guidelines. The Applicant will comply with FCC and FAA rules concerning construction requirements, safety standards, interference protection, power and height limitations, and radio frequency standards. The Facility will NOT interfere with any other radio devices such as TV's, radios or other cellular phones. Furthermore the Facility will not interfere with any household products such as microwave ovens. The Applicant is licensed and regulated by the federal Communications Commission ("FCC"), which imposes strict health, safety, and interference standards. The proposed Facility will comply with all rules and guidelines that regulation such installations including FCC guidelines with regards to human exposure to RF emissions. The FCC is the governing body that has jurisdiction over this area (RF emissions). It is therefore the belief of the Applicant that the Proposed Facility will be operated so that the public health, safety and welfare will be protected.

The Proposed Facility is designed to fill a coverage gap in the Applicant's network. These networks operate on a "grid" system, whereby overlapping "cells" (geographic wireless coverage areas) mesh to form a continuous wireless network. In order to provide wireless coverage within the geographic confines of each cell, a wireless facility ("cell site") must be located somewhere near the center of that cell. If the wireless facility is not located within or near the center or the height of the antennas is inadequate, then coverage gaps exist. Coverage gaps result in a weak wireless signal which to the end user equates to a dropped call or inability to make or receive a call.

Over half of all "911" calls are placed on wireless networks. Wireless providers, such as U.S. Cellular, offer "E-911" service which is particularly helpful in locating users who are unable to articulate their exact location. Accordingly, reliable wireless infrastructure provides wireless service that is an essential part of the community's everyday life including emergency and non-emergency communication needs.

Given the public's increasing dependency on wireless technology, wireless networks and the cell sites that make up these networks are now more than ever critical to the safety and well being of the overall population. Wireless technology provides vital communications that is commonly used by local residents, businesses, and emergency personnel for a wide variety of communication needs thereby promoting the general public's health, safety, morals, comfort and overall general welfare.

The Applicant firmly believes the zoning relief approvals needed for the Proposed Facility will be in the best interest of the Applicant and the community, thereby deemed necessary, for the public convenience. The Applicant stands to gain a more improved wireless service it can offer to its customers. The community stands to gain a more reliable wireless network for which all communities depend on for a safety, convenience,

and general well-being standpoints. Imagine, for a moment, if you were unable to make a call on a cell phone in an emergency situation. There are many examples of cell phones saving people's lives.

The Applicant hereby incorporates by reference all of the facts and materials contained in this Statement and its attachments into this application. Without limiting the generality or efficacy of the preceding the Applicant hereby specifically states that the Petition for a Special Use Permit satisfies any and all applicable criteria under the City of Washington Ordinance.

#### **Other Points: From City of Washington's Ordinances General Requirements**

(1) This site due to its proximity would be considered appropriate per the Code due to its location behind the Public Health center and 50' inside the tree line. As well serves the hospital and residential area and any future development of the area.

(2) This site does meet the criteria of minimizing the visual impact of the area due to the 70' pines around the area of the telecommunications site. Please see photo simulations

(3) There would be no drainage to adjacent properties due to the distance to the next adjoining properties.

(4). Per the submittal package enclosed there is an affidavit stating no towers or structure were found in the search ring vicinity.

(b) N/A This structure is a NEW 130' monopole for commercial use.

(C) Please see with in this submittal notarized documentation that outlines the RF emissions as well as the standards US Cellular follows as it relates to state and federal guidelines

#### **Section 40-355 General requirements**

(a). All towers will be constructed and operated in compliance with State building codes.

(b) Please see attached set of signed and sealed construction plans .

(c) U.S. Cellular does have in place per the lease a 1Million insurance policy.

(d). U.S. Cellular will be filing for a SUP based off the City Ordinances. However we are locating on a Beaufort County owned property.



(1) U. S. Cellular understands and acknowledges that the SUP expires after 5 years of the effective date of approval by the BOA.

(a). U.S. Cellular understands and acknowledges that we must re-apply for an SUP at least 6 months prior to the expiration. U.S. Cellular would request they be notified of such renewal period at least 6 months of expiration.

(b). U.S. Cellular understands and acknowledges that the BOA will take the renewal application and consider what impact that any changes in technology since the original approval may have had on the need for the tower or tower design.

(C). U.S. Cellular understands and acknowledges the tower shall be required to meet the standards of this chapter that are in effect at the time of reapplication.

(2) No response needed

(e). No response needed

(f). U.S. Cellular has provided in this submission a notarized statement from the RF engineer , stating no interference should occur.

(g) This site will not emit any loud noise during normal operation.

(h). U.S. Cellular will work diligently with the City to provide any further information the City Deems necessary in evaluating detailed technical claims USC or applicant may make.

(i)I have proved in this submittal a notarized affidavit stating that USC will allow collocation on their Structure

(1)See above

(a) U.S. Cellular has provided in this submission the tower design.

(b). I have proved in this submittal a notarized affidavit stating that USC will allow collocation on their Structure.

(2) I have submitted an affidavit stating that there was no tower or structures half mile that USC could have used to meet the RF Objective in this area.

### **Section 40-356 Location**

- (a) The NEW Tower is 130' and is not with-in 2,500' from another tower or structure.
- (b) This tower is not located within 500' of the RDH, District or the B1H District.
- (c) This Property is owned by Beaufort County.
- (d) This tower will be of a Monopole construction.
- (e) N/A

### **Section 40-357 Dimensional Requirements**

If U.S. Cellular meets all the criteria spelled out in this section as it relates to setbacks

### **Section 40-358 Landscaping**

Due to the location of this telecommunication site USC will be well out of view of any street view shed however should the City feel it necessary for USC to add additional shrubs or landscaping we will follow whatever guidelines the City lays out.

### **Section 40-359 Visual Aspects**

- (a) This Tower will be grayish in color see photo simulations.
- (b) The Pre fab shelter will out of view due the location of the telecommunication site. The shelter will be tan in color and will blend into the background of the area which will be woods.
- (c) There will not be a cat walk or crow's nest or like structure, but will be erected per the plans submitted. Except during periods of construction.
- (d) N/A
- (e) Please see Photo Simulations enclosed
- (f) U.S. Cellular will not store any equipment with in the fenced in area that is not related to the operation of the Telecommunications site.

**Section 40-360 Signs**

USC will only place signs that are required by Law.

**Section 40-361 Lighting**

U.S. Cellular will maintain the building and tower as well as the entire telecommunication site in a safe, functional and attractive condition.

U.S. Cellular understands and acknowledges that the City of Washington will inspect the tower using an outside source who is familiar with the maintenance, inspection and or erection of telecommunication towers, and such inspection will follow the EIA standard, 222, structural standards for steel antenna towers and antenna support structures. The fee for such an inspection will be bore by the tower owner.

(b) If the site fails this inspection U.S. cellular will have 30 days to bring the tower back into compliance.

**Section 40-364- Abandonment**

Should USC abandon this telecommunication site, then USC under the terms of the lease would remove the tower from this location. And per the City Of Washington Ordinance USC would remove it within 180 days.

**ADDITIONAL INFORMATION BELOW**

1.) The use is reasonably necessary for the public convenience at that location:

TRUE, the public relies on wireless communications not only for "convenience" but they also depend on it for public safety. This location is necessary due to the location of the surrounding sites (towers) that exist.

2.) The use is so designed, located, and proposed to be operated that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare:

TRUE – The granting of the Conditional use Permit shall not cause injury to the district or surrounding areas. The wireless communications facility will be designed to meet all Federal, State and Local codes that regulate such facilities. If granted the Conditional use Permit will better the public welfare by providing improved communications ability to ALL who live in and around the City of

Clinton and its residents. Improved wireless service promotes public safety, economic development and the overall general welfare of the area.

- 3.) The use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it is located:

TRUE – The future character of the immediate area will remain farm land and could have the possibility of commercial use

Sincerely

Michael Doran  
Representing U.S. Cellular





**Donald R. Stroud Jr.,**  
Petitioner,

**Board of Adjustment**  
**January 28, 2016**

**vs.**

**City of Washington,**  
Respondent.

**Petition and Motion**  
**for Stay**

## **RECORD ON APPEAL**

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- 1. Petition and Motion for Stay Information**
- 2. Zoning Ordinance Information**
- 3. Historic District – Certificate of Appropriateness Information**

City of Washington  
Board of Adjustment  
January 28, 2016

Donald R. Stroud Jr. Appeal

**Petition and Motion for Stay Information**

- Petition and Motion for Stay
- Application for Administrative Hearing
- Beaufort County Tax & Parcel Map
- Letter – Adjoining Property Owner – Notice of Hearing
- Letter – Donald R. Stroud Jr. – Notice of Hearing
- Letter – McLean Investment Co. LLC – Notice of Hearing
- Building Permit Applications
- Building Permits
- Site Plan & Floor Plans

STATE OF NORTH CAROLINA  
COUNTY OF BEAUFORT  
CITY OF WASHINGTON

BEFORE THE BOARD OF ADJUSTMENT  
FILE NO:

**COPY**

DONALD R. STROUD JR.,  
Petitioner,

vs.

CITY OF WASHINGTON,  
Respondent.

PETITION AND MOTION FOR  
STAY Section 40-510

**NOW COMES**, the Petitioner, Pro Se, complaining of the Respondent, as follows,

1. That the Petitioner is a citizen and resident of Beaufort County, North Carolina.
2. That the Respondent, City of Washington is a municipal Corporation located in Beaufort County, North Carolina.
3. That McLean Investment Company, LLC, is a limited liability corporation registered in the State of Nevada with The Corporation Trust Company of Nevada named as registered agent.
4. That McLean Investment Company, LLC purchased property located at 121 West 2<sup>nd</sup> Street, Washington, North Carolina as recorded in Book 188, Page 711 of the Beaufort County Registry of Deeds Office evidenced by Exhibit "A" and incorporated by reference as if fully set forth herein.
5. That the Petitioner owns real property adjacent to the McLean Investment Company, LLC's property located at 127 East 2<sup>nd</sup> Street, Washington, North Carolina and inhabits said home with his family as a single family residence.
6. That the Petitioner's property and the subject property are located within the B1H Zoning District as set forth and established in the Washington City Code and is defined by said code as:

"Section 40-85 B1H Central Business Historic District. The B1H Central Business District is primarily designed to provide convenient shopping and service facilities by promoting compact development of commercial, office, and service uses while preserving the historic character of the district".

*Donald R. Stroud Jr.*

ATTORNEY AT LAW  
311 SOUTH EVANS STREET  
GREENVILLE, NORTH CAROLINA 27858-1832

(252) 752-5475  
FAX (252) 830-9234



7. That on or about September 2, 2015 McLean Investment Company, LLC, filed an application for a building permit which was not properly completed by not stating who owned the property, nor did the application indicate what type of structure or purpose for the permit would be as evidenced by Exhibit "B" and incorporated by reference as if fully set forth herein.
8. That upon information and belief, on or about September 21, 2015, McLean Investment Company, LLC, submitted plans to request the Respondent, City of Washington grant a building permit to McLean Investment Company, LLC, to subdivide their property into eleven (11) apartments with seventeen (17) bedrooms at 121 East Second Street, Washington, North Carolina.
9. That on September 28, 2015, the Petitioner appeared before the City Council of the Respondent, City of Washington to request a moratorium on the development of the single family residence into a multifamily dwelling owned by McLean Investment Company, LLC.
10. That said City Council voted to seek an opinion on the Respondent's request for a moratorium from the City of Washington Planning Board.
11. That despite the City Council's request for an opinion from of the Planning Board, the Mayor and Councilman Doug Mercer met with the Respondent and authorized the Respondent to issue McLean Investment Company, LLC a building permit to construct eleven (11) apartments with seventeen (17) bedrooms.
12. That on or about October 9, 2015, the Respondent issued a building permit to McLean Investment Company, LLC to construct eleven (11) apartments with seventeen (17) bedrooms as evidenced by Exhibit "C" and incorporated by reference as if fully set forth herein.
13. That McLean Investment Company, LLC's, property was originally constructed as a single family residence and predated May, 1885 as evidenced by the "Sandborne Map" attached as Exhibit "D" and incorporated herein by reference as if fully set forth herein.
14. That the Petitioner's property and McLean Investment Company, LLC's, property are significant contributing structures as defined by the City of Washington Historic Guidelines.
15. That during the mid to late Twentieth Century, McLean Investment Company, LLC's, property as well as the Petitioner's property was subdivided into multifamily dwellings.
16. That prior to McLean Investment Company LLC's, purchase, the property, was gutted and remained vacant for at least six (6) years.
17. That McLean Investment Company, LLC has begun converting said home into a multiple family dwelling.

18. That Section XI of the Washington City Code entitled Multifamily Development Section 40-827; "Applicability" states:

"The standards established in Sections 40.288 through 40.298 shall apply to new construction and conversions of all multifamily development in residential zoning districts. Multifamily development in the B1H Zoning District shall be subject to the standards established in Sections 40-299 through 40.302."

19. That the Respondent, McLean Investment Company, LLC's property is subject to Section 40.827 of the Washington City Code, particularly the second sentence of the said Ordinance.

20. That Section 40.302 of the Washington City Code entitled "Conversion of Single Family Dwelling Units in the Residential Historic District" states:

No existing single-family dwelling unit located in the Residential Historic District (RHD) shall be altered so as to accommodate a two-family or multifamily dwelling unit. Notwithstanding any other provision of this article, any single-family dwelling unit previously converted to another use, including, but not limited to, a use as a two-family or multifamily dwelling unit, shall be treated as a nonconforming situation or use for the purposes of this article. All new construction of two-family or multifamily units in the Residential Historic District (RHD) shall meet the standards set forth in this article.

21. That Article III Sections 40-34 through 40-41 addresses "Nonconforming Situations" and provides in part that after a nonconforming situation is discontinued for 180 days, the property involved may thereafter be used for conforming purposes.
22. That section 40.93 of the Washington City Code allows for "Multifamily Dwellings" in the B1H Zoning District, but said section applies only to non-single family residences when read together with aforesaid sections of the code.
23. That the Respondent, City of Washington has taken no steps, to date, in stopping the construction of said conversion of McLean Investment Company, LLC's home into eleven (11) apartments despite knowing that said conversion is contrary to the city code.
24. The conversion of the Respondent's McLean Investment Company, LLC, historic property into a multifamily dwelling will:

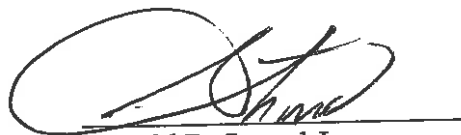
- a) Adversely affect the property value of the Petitioner's quite use and enjoyment of the Petitioner's property; and
- b) Adversely affect the property value of the Petitioner's property; and
- c) Adversely cause increased noise and parking problems in an already dense and compact neighborhood; and
- d) Alter the historic character and integrity of the Petitioner's neighborhood

25. That the Petitioner shall suffer irreparable harm if McLean Investment Company LLC, is continues to subdivide their single family residence into a multifamily dwelling.
26. That the Petitioner shall suffer irreparable harm if the Respondent, City of Washington, illegally issues a building permit for the conversion of the said single family dwelling or "nonconforming situation" into a multifamily dwelling.
27. That the Petitioner is entitled to the issuance of stay pending a full hearing in this matter.

**WHEREFORE** the Petitioner prays:

1. That the Board of Adjustment accept this verified Petition as an affidavit.
2. That the Board of Adjustment restrain, enjoin and stay McLean Investment Company, LLC, from further construction on its property located at 121 East 2<sup>nd</sup> Street, Washington, North Carolina, until a full hearing can be heard on this matter.
3. That the Board of Adjustment restrain, enjoin and stay the Respondent, City of Washington from issuing a permit to McLean Investment Company, LLC, to construct a multifamily dwelling until a full hearing can be heard on this matter.
4. The Board of Adjustment grant such other and further relief as it deems just and appropriate.

This the 22<sup>nd</sup> day of October, 2015.



Donald R. Stroud Jr.  
Attorney At Law  
311 South Evans Street  
Greenville, NC 27858  
252-752-5475

**VERIFICATION**

I, **Donald R. Stroud Jr.**, first being duly sworn, deposes and says that I am the Petitioner in the above entitled action, that I have read the attached, and knows the contents thereof, and that the contents are true of my own knowledge, or to the best of my knowledge based on information and belief.

  
\_\_\_\_\_  
Donald R. Stroud Jr.

STATE OF NORTH CAROLINA  
COUNTY OF Pitt  
Sworn to and subscribed before me,

This the 22<sup>nd</sup> day of Oct, 2015.

  
\_\_\_\_\_  
Duchess Ruffin  
NOTARY PUBLIC

Commission Expires: May 26, 2020

(OFFICIAL SEAL)

# Exhibit

## “A”

BK1880PG711

FOR REGISTRATION REGISTER OF DEEDS  
Jennifer Leggett Whitshurst  
Beaufort County, NC  
August 28, 2015 09:03:31 AM  
Book 1880 Page 711-713  
FEE: \$26.00  
NC REVENUE STAMP: \$342.00  
INSTRUMENT # 2015004195



INSTRUMENT # 2015004195

BEAUFORT COUNTY LAND RECORDS

ROUTING FORM 43388  
EC 8-28-15  
Land Records Official Date

PREPARED BY AND RETURN TO:  
RODMAN, HOLSCHER, PECK & EDWARDS, P. A.  
Attorneys at Law  
320 North Market Street  
Post Office Box 1747  
Washington, NC 27889  
Telephone: (252) 946-3122

STATE OF NORTH CAROLINA  
COUNTY OF BEAUFORT

THIS DEED, made and entered into this the 24<sup>th</sup> day of August, 2015, by MATTHEW WAGNER and wife, SHELLY WAGNER, Grantors, whose address is 9107 Salem Court, Wilmington, NC 28411 to MCLEAN INVESTMENT CO., LLC, a Nevada Limited Liability Company, Grantee, whose address is 15780 W. Earll Drive, Goodyear, AZ 85395-8143;

**WITNESSETH:**

That the Grantors, in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable considerations to them paid by the Grantee, the receipt whereof is acknowledged, have given, granted, bargained, sold and do hereby convey unto the Grantee, in fee simple, that certain tract or parcel of land lying and being in the City of Washington, Beaufort County, North Carolina, more particularly described on Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD the same, together with all and singular, the rights, ways, privileges and appurtenances thereto belonging or in anywise appertaining unto the said Grantee, their heirs and assigns, in fee simple, subject, however, to the following:

1. 2015 Beaufort County Ad Valorem taxes.
2. Such easements, rights-of-way and restrictions of record in the Beaufort County Registry.

THE GRANTORS HEREIN STATE THAT THE PROPERTY DESCRIBED IN THIS DEED IS NOT THEIR PRINCIPAL RESIDENCE.

BK1880PG712

Exhibit "A"

BEGINNING at the Northwest corner of the lot owned by Maude A. Bragaw and running thence in a Westerly direction to the Buckman lot; thence in a Southerly direction with the line of the said Buckman lot to the back line of said Lot No. 39; thence a Easterly direction parallel with Second Street to the Southwest corner of the C. M. Brown lot, formerly a part of the Potts lot; thence in a Northerly direction with the West line of said Brown lot and the West line of the said Bragaw lot to Second Street, the point of beginning. And being the same as conveyed to Ralph F. Baker (now deceased) by deed dated February 28, 1989 of record in Book 907, Page 664, Beaufort County Registry, to which a further reference is herein made and incorporated for a more complete and detailed description. And being that same property conveyed to KMK Services, LLC by deed dated September 3, 2003 and recorded in Book 1352, page 202 Beaufort County Registry.

Further reference being made to the Estate of Ralph Baker in Estate File 98-E-235, in the office of the Clerk of Court of Beaufort County whereby the above described property was inherited by John Christopher Barfield and David Aaron Barfield.

BK1880PG713

3. Non-compliance with any local, county, state or federal governmental laws, ordinances or regulations relative to zoning, subdivision, occupancy, use, construction or the development of the subject property.

The Grantors covenant with the Grantee that they are seized in fee simple of the above described property and have good right and title to convey the same; that the same is free and clear of all liens and encumbrances, except those matters and things above set forth, and that, subject thereto, they will forever warrant and defend the title to the same against all lawful claims and demands.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and adopted as their seals, the typewritten word "Seal" appearing beside their names, this the day and year first above written.

*Matthew Wagner* (Seal)  
MATTHEW WAGNER

*Shelly W Wagner* (Seal)  
SHELLY WAGNER

STATE OF North Carolina

COUNTY OF New Hanover

I, Teresa R. Wicker, a Notary Public of the County and State aforesaid, certify that MATTHEW WAGNER and wife, SHELLY WAGNER, who are personally known by me or have produced satisfactory evidence of identity, and appeared before me this day and acknowledged the voluntary execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 24<sup>th</sup> day of August, 2015.

My Commission expires Sept 4, 2015

*Teresa R. Wicker*  
NOTARY PUBLIC



Chip Edwards PC



**Exhibit**

**“B”**

# CITY OF WASHINGTON BUILDING PERMIT APPLICATION

Inspection Department: 252-975-9304; 252-975-9352; 252-975-9334

Address: 1218 2nd St Property Owner's Name \_\_\_\_\_  
EL No: \_\_\_\_\_ Date: \_\_\_\_\_ Total Contract Cost: \_\_\_\_\_

Single Family ☐ Two Family ☐ Multi-Family ☐ Commercial ☐ Accessory Building ☐ Mobile Home ☐ Modular  
Addition ☐ Up-fit ☐ Alteration ☐ Demolition Other \_\_\_\_\_

*Workers Compensation Insurance Proof Must be Submitted with Application!*

Contractor: \_\_\_\_\_  
Building Mel's Plumbing & Electrical Ph# 919 671 6339 Lic. No. 43368 Contract Cost \$ 40,000  
Electrical Mel's Plum & Elec Ph# 919 671 6339 Lic. No. 13326 Contract Cost \$ 18,000  
Plumbing Mel's Plum & Elec Ph# 919 671 6339 Lic. No. 13855 Contract Cost \$ 11,000  
A/C Mel's Plum & Elec Ph# 919 671 6339 Lic. No. 13855 Contract Cost \$ 15,000  
Piping \_\_\_\_\_ Ph# \_\_\_\_\_ Lic. No. \_\_\_\_\_ Contract Cost \$ \_\_\_\_\_  
Mobile Home \_\_\_\_\_ Ph# \_\_\_\_\_ Lic. No. \_\_\_\_\_ Contract Cost \$ \_\_\_\_\_  
Other \_\_\_\_\_ Ph# \_\_\_\_\_ Lic. No. \_\_\_\_\_ Contract Cost \$ \_\_\_\_\_  
Mail \_\_\_\_\_

See Customer Services for Load Management requirements on electrical services.

Sq. Ft.: 19000 Unheated Sq. Ft.: 800 Porch/Deck Sq. Ft.: 300 Total 1<sup>st</sup> Floor Sqft (footprint) 6500  
Nature of Work: (Be Specific): UPFIT

Heat Pump- ☐ Pkg. Unit ☒ Split system ☐ A/C / Gas- ☐ Pack ☐ Furnace ☐ Gas line ☐ A/C / Oil Furnace  
Electrical Power Co.- ☒ City of Washington ☐ Progress Energy ☐ Tideland EMC Total Amps- 700 Amp

Permit expires if work or construction is not begun within 6 months, or if construction or work is suspended or abandoned for a period of 12 months at any time work has begun. I affirm that all information is true and correct that I will complete all work, call inspections in a timely manner and comply with the requirements of all local, state, and federal codes and regulations.

By: June DeSh... DATE: 9/2/2015

**TO BE COMPLETED BY INSPECTION OFFICE!**

Zone: ☐ AE ☐ X ☐ Shaded X ☐ Floodway Base Flood Elevation: \_\_\_\_\_ FT. Panel No: \_\_\_\_\_

District: City: \_\_\_\_\_ Historic District/C.O.A. \_\_\_\_\_ ETJ: \_\_\_\_\_ Washington Park \_\_\_\_\_

Inspector Comments: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Dept. Comments: \_\_\_\_\_ Date: 9/25/15 Signed: Alton JanKard

Works Comments: ill need to run new wkb service wma for 3p (three phase) Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Permittee Comments: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Dept. Comments: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Permit Fee: \$ \_\_\_\_\_ HOMEOWNER RECOVERY FEE: \$ \_\_\_\_\_

Exhibit

“C”



**COPY**

**INSPECTION DEPARTMENT**

(252) 975-9304

(252) 975-9334

(252) 975-9352

Fax (252) 946-1965

PO Box 1988  
102 East Second Street  
Washington, NC 27889

**Building Permit**

Permit#: P004449-100915

Issue date: 10/9/2015

Job Address: 121 E 2ND ST

Contractor: Mel's Plumbing & Electric Co.

Map / Parcel: 01011003

Value of work: 40000

Owner: MATTHEW WAGNER

Class of Work: Alteration

Work Description: UPFIT HOUSE INTO 11 APARTMENTS PER PLANS

Fee	Per Unit	Quantity	Amount Charged
Residential, New Multi-Family	Per Square Foot	10000.00	1500

**Total Permit Fee: \$1,500.00**

I hereby certify that all information above is true and correct. That all work under this permit shall comply and conform to all city ordinances, state and federal laws pertaining thereto, whether specified or not, and in accordance with any plans submitted or required to be submitted or submitted regulating building codes and building construction in the City of Washington, NC. I further agree to remove all construction debris from the site when completed. And I am the owner or authorized by the owner to I hereby certify that all information above is true and correct. That all work under this permit shall comply to all do the work described above.

Permit shall be void if construction authorized by permit has not been commenced within six (6) months after the date of issuance thereof, or if after commencement of construction, the work is discontinued for a period of twelve (12) months; work shall not be resumed until permit has been renewed.

All final inspections are mandatory before occupancy. It is unlawful and illegal to occupy any building before the certificate of occupancy has been issued.


Applicant's signature: \_\_\_\_\_

10/9/2015

Building Official: \_\_\_\_\_

10/9/2015

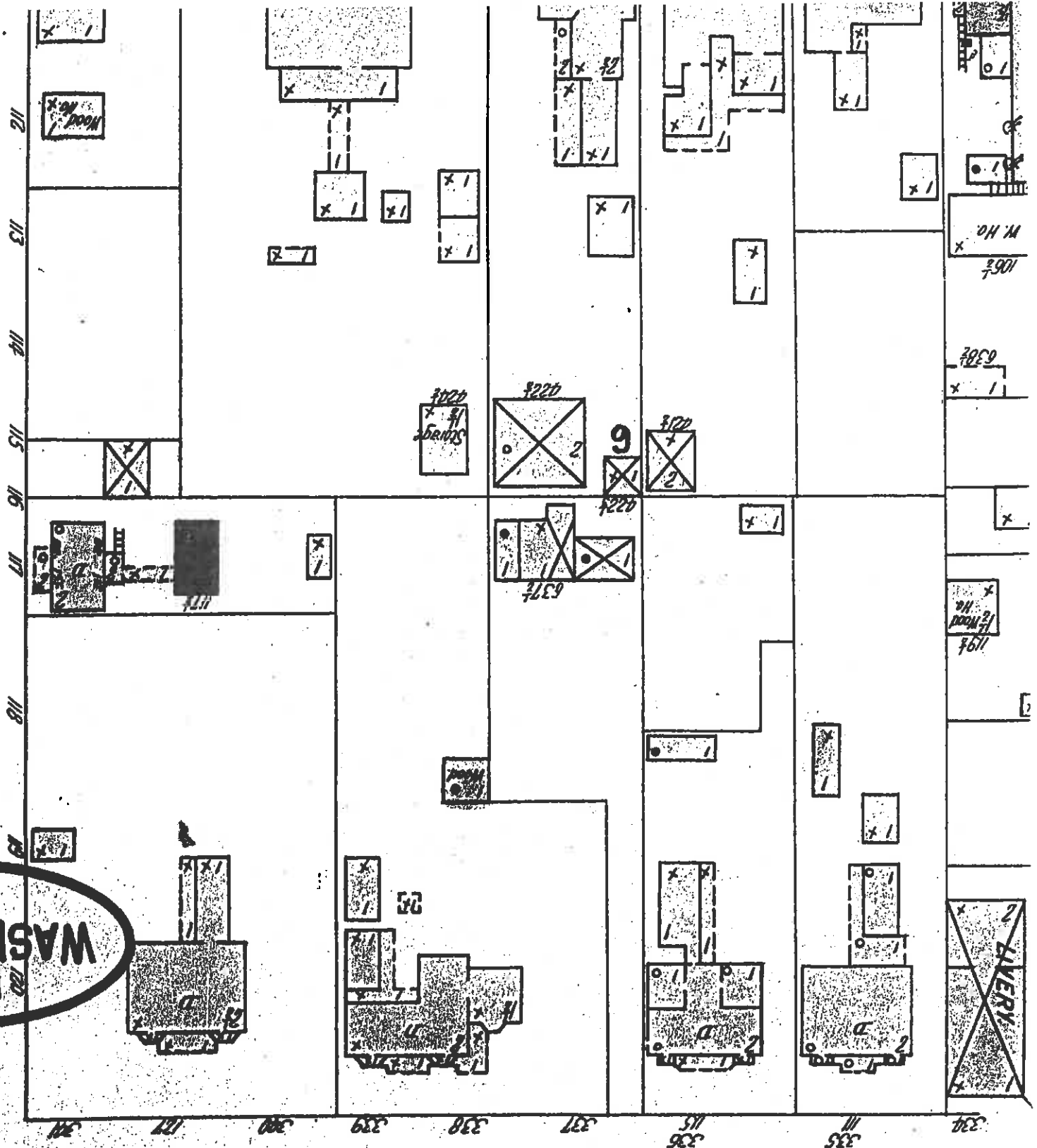
(PER N.C. GEN. STAT. §§44A-11.1, 44A-11.2, 160A-417, 153A-357, and 87-14) Project # \_\_\_\_\_ [www.liensnc.com](http://www.liensnc.com)



# Exhibit

## “D”

WASHIN  
FEB. 1960



(1)



CITY OF WASHINGTON  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
APPLICATION FOR AN ADMINISTRATIVE HEARING

Date October 22, 2015

Fee N/A

Applicant Donald R. Stroud Jr.

Address 127 East 2<sup>nd</sup> Street Washington, NC 27889

Phone No. (252) 946-5226

TO THE BOARD OF ADJUSTMENT:

I, Donald R. Stroud Jr.  
(Name of applicant)

hereby appeal to the Board of Adjustment from the following adverse decision of a Zoning Enforcement Officer of the Planning Office:

See attached petition on appeal

This adverse decision was made with respect to property located at

121 East 2<sup>nd</sup> Street  
(Street address)

Parcel Tax Card 5675-88-9077 01011003

I, Donald R. Stroud Jr. hereby request an  
(Name of applicant).

interpretation of:

( ) the Zoning Map

( ) the following section(s) of the text of the Zoning Ordinance:

See attached petition on appeal

insofar as the map and/or the ordinance relate to the use of the above described property.

STATEMENT BY APPELLANT: (In the space below, present your interpretation of the ordinance provisions in question and state what reasons you have for believing that your interpretation is the correct one.)

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See attached petition on appeal

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(In addition, state what facts you are prepared to prove to the Board of Adjustment that should lead the Board to conclude that the decision of the Zoning Enforcement Officer was erroneous.)

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See attached petition on appeal

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NOTE: APPLICANTS, AND/OR THEIR AGENTS OR PARTIES OF INTEREST ARE PROHIBITED FROM ANY CONTACT IN RELATION TO THIS MATTER WITH BOARD OF ADJUSTMENT MEMBERS PRIOR TO THE PUBLIC HEARING.

I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Respectfully submitted, this the 22nd day of October, 2015

---

(Signature of Applicant)



## PROPERTY OWNERS WITHIN 100 FEET

LIST THE ADJOINING PROPERTY OWNERS WITHIN 100 FEET OF THE PROPERTY IN QUESTION. (NOTE: WHERE THE PROPERTY IS BOUND BY A STREET, ALLEY, STREAM, OR SIMILAR BOUNDARY, THE LAND OWNER ACROSS SUCH BOUNDARY SHALL ALSO BE CONSIDERED AS AN ADJOINING LAND OWNER.)

TO FIND LISTINGS OF ADJOINING PROPERTY OWNERS, FOLLOW THESE STEPS.

- STEP 1. Locate the subject property on the map in the City Planning Office and write down the entire parcel number. Be sure to write down the map number, section number, and individual parcel number, in that order. (Example: 5675-06-3291)
- STEP 2. Go to the Beaufort County Land Records Office at 220 N. Market Street, show the attendant the parcel number, and ask the attendant to run off a map of the property that shows the adjacent property for at least 100 feet on all sides. The attendant can look up the owners names, parcel numbers, and addresses for the lots within 100 feet of the subject property, or show you how to find the information on the land records computer. (In the Beaufort County records, the parcel number is called the "alternate parcel number.")
- STEP 3. Write down the name(s) of the owner of each of the adjacent lots within 100 feet, the parcel number of the lot, and the owner's entire address. If no address is listed, make a note to that effect.

**+!+PLEASE NOTE: ACCURACY IS VERY IMPORTANT BECAUSE IF SOMEONE WITHIN 100 FEET OF THE PROPERTY IN QUESTION FAILS TO GET NOTIFIED, THE REQUEST MAY BE VOIDED EVEN IF THE BOARD VOTES IN YOUR FAVOR.**

NAME	<u>PARCEL NUMBER</u>	ADDRESS
1. See Attached		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

(Use additional sheet if necessary)

**Adjacent Property Owners - 121 East 2<sup>nd</sup> Street**

Don Stroud  
127 East 2<sup>nd</sup> Street  
Washington, NC 27889

Thomas Kevin Cherry  
3232 7<sup>th</sup> Ave NE  
Washington, DC 20017

Jayne D. Wall  
111 S. Reed Drive  
Washington, NC 27889

Ford Freeman  
100 Riverside Drive Apt. 2  
Washington, NC 27889

Benjamin Clark  
116 N. Bonner Street  
Washington, NC 27889

Richard M. Young  
142 East Main Street  
Washington, NC 27889

Nickel & Dime Properties  
128 Abbey Lane  
Washington, NC 27889

Sherri E. Dean  
122 East 2<sup>nd</sup> Street  
Washington, NC 27889

Elmo T. Carawan  
114 North Bonner Street  
Washington, NC 27889

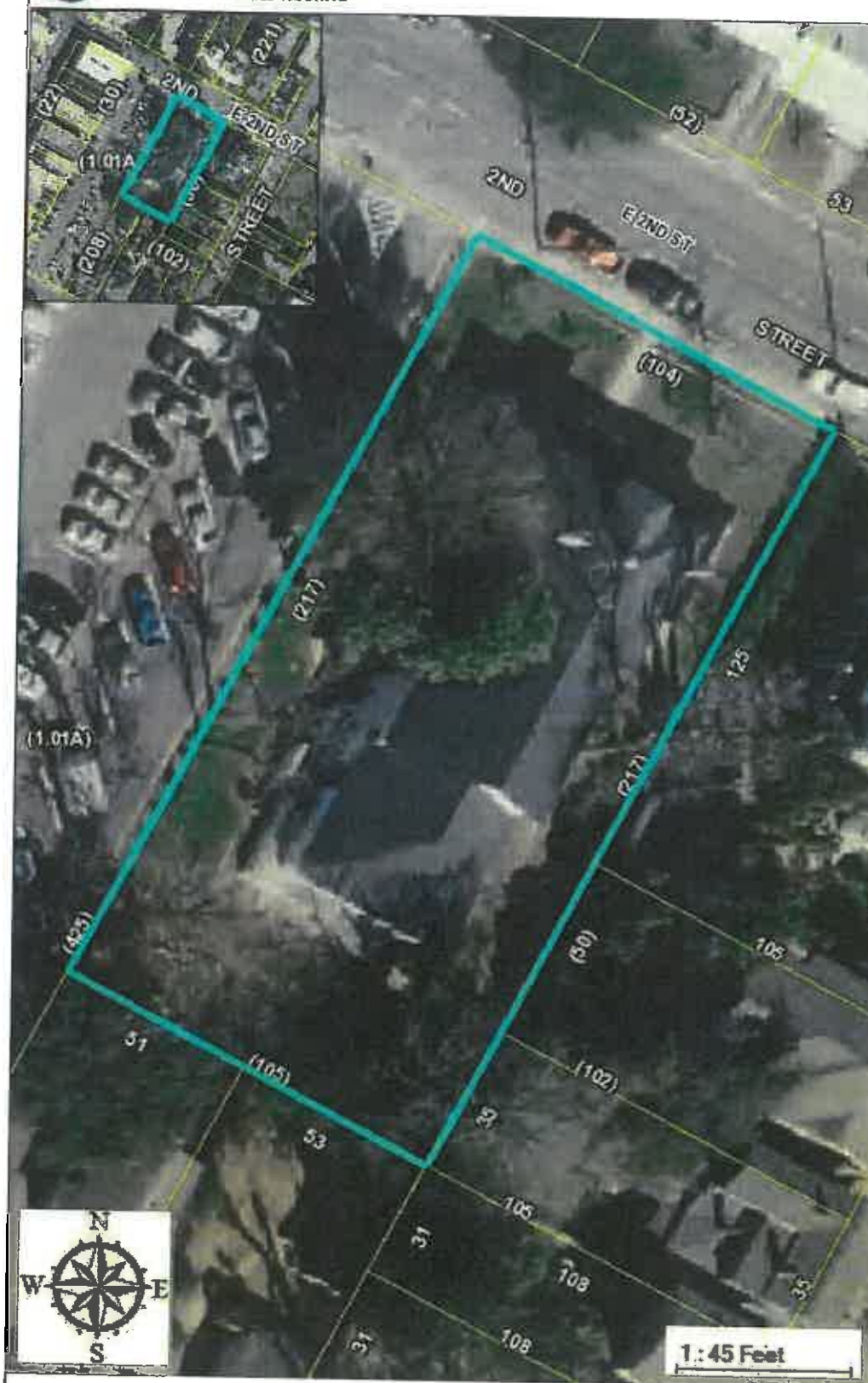
City of Washington  
PO Box 1988  
Washington, NC 27889

Martha Matthews  
140 East Main Street  
Washington, NC 27889

STC Holdings, LLC  
102 E. Victoria CT Ste A  
Greenville, NC 27858

Jones Family Investments  
108 Beaufort PI  
Washington, NC 27889

Sarah L. Heekin  
144 East Main Street  
Washington, NC 27889



<b><u>OBJECTID</u></b>	<b><u>PIN</u></b>	<b><u>GPIN</u></b>
6892	01011003	5675-88-9077
<b><u>GPIN LONG</u></b>	<b><u>OWNER NAME</u></b>	<b><u>OWNER NAME2</u></b>
5675-88-9077	MCLEAN INVESTMENT CO. LLC	
<b><u>MAILING ADDRESS</u></b>	<b><u>MAILING ADDRESS2</u></b>	<b><u>CITY</u></b>
15780 W EARLL DRIVE		GOODYEAR
<b><u>STATE</u></b>	<b><u>ZIP</u></b>	<b><u>PROPERTY ADDRESS</u></b>
AZ	85395	121 E 2ND ST
<b><u>ACRES</u></b>	<b><u>ACCT NBR</u></b>	<b><u>MAP SHEET</u></b>
0	922181	567508
<b><u>NBR BLDG</u></b>	<b><u>DATE</u></b>	<b><u>DEED BOOK and PAGE</u></b>
2	08/28/2015	1880/0711
<b><u>LAND VAL</u></b>	<b><u>BLDG VAL</u></b>	<b><u>DEFR VAL</u></b>
44520	89040	0
<b><u>TOT VAL</u></b>	<b><u>NBHD CDE</u></b>	<b><u>NBHD DESC</u></b>
133560	B1HR	B1 HISTORICAL RESIDENTIAL
<b><u>SUB CDE</u></b>	<b><u>SUB DESC</u></b>	<b><u>STAMPS</u></b>
		342
<b><u>SALE PRICE</u></b>	<b><u>ZONE</u></b>	<b><u>LAND USE</u></b>
171000	B1H	
<b><u>DISTRICT</u></b>	<b><u>PROP DESC</u></b>	<b><u>MBL</u></b>
1	1 LOT 121 EAST 2ND ST (LOT #39)	567508232
<b><u>EXEMPT PROP</u></b>	<b><u>EXEMPT AMT</u></b>	<b><u>ROAD TYPE</u></b>
		P
<b><u>CENSUS BLOCK</u></b>	<b><u>FLOOD PLAIN</u></b>	<b><u>YR BUILT</u></b>
		1900
<b><u>NBR STORIES</u></b>	<b><u>SQ FT</u></b>	<b><u>NBR BED</u></b>
3	9658	5
<b><u>NBR BATHS</u></b>	<b><u>EFF YR</u></b>	<b><u>NBR HALF BATHS</u></b>
4	1950	0

Beaufort County online map access is provided as a public service, as is, as available and without warranties, expressed or implied. Content published on this website is for informational purposes only and is not intended to constitute a legal record nor should it be substituted for the advice or services of industry professionals. The County of Beaufort and the Website Provider disclaim all responsibility and legal liability for the content published on this website. The user agrees that Beaufort County and its Assigns shall be held harmless from all actions, claims, damages or judgments arising out of the use of County data.

**Mayor**  
Mac Hodges

**City Manager**  
Bobby Roberson



**Washington City Council**  
Larry Beeman  
Richard Brooks  
Doug Mercer  
William Pitt  
Virginia Finnerty

January 19, 2016

**Subject:** Appeal on Administrative Decision – 121 East 2<sup>nd</sup> Street

**Dear Adjoining Property Owner:**

The Department of Planning and Development has received an appeal and request from Mr. Donald R. Stroud Jr. for an interpretation of an administrative decision by the Planning & Development concerning Section 40-510 Appeals to the Board (a) of the City of Washington Zoning Ordinance. Mr. Stroud is requesting an interpretation on the issuance of a building permit, located at 121 East 2<sup>nd</sup> Street, for the conversion of a former single family residence into a multi-family dwelling in the B1H (Business Historic District)

The Board of Adjustment will hold its public hearing on the appeal at the following date and time:

**Date:** Thursday, January 28, 2016

**Place:** City Council Chambers - City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.

**Time:** 7:00 P.M.

The public is welcome to attend this public hearing and present evidence either in support of or in opposition to the request.

During the meantime, should you have any questions, please feel free to call the Department of Planning and Development at 975-9383 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

*John Rodman*

John Rodman  
Planning and Development

**Mayor**  
Mac Hodges

**City Manager**  
Bobby Roberson



**Washington City Council**

Larry Beeman  
Richard Brooks  
Doug Mercer  
William Pitt  
Virginia Finnerty

January 19, 2016

Mr. Donald R. Stroud Jr.  
127 East 2<sup>nd</sup> Street  
Washington, NC 27889

**Subject:** Board of Adjustment  
Appeal on Administrative Decision – 121 East 2<sup>nd</sup> Street

Dear Mr. Stroud:

The Department of Planning and Development received your petition for appeal and request for an interpretation of an administrative decision by the Planning & Development Department concerning Section 40-510 Appeals to the Board (a) of the City of Washington Zoning Ordinance. You are requesting an interpretation and stay on the issuance of a building permit, located at 121 East 2<sup>nd</sup> Street, for the conversion of a former single family residence into a multi-family dwelling in the B1H (Business Historic District).

The Board of Adjustment will hold its public hearing on the petition for appeal at the following date and time:

**Date:** Thursday, January 28, 2016

**Place:** City Council Chambers - City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.

**Time:** 7:00 P.M

During the meantime, should you have any questions, please feel free to call the Department of Planning and Development at 975-9383 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rodman". The signature is fluid and cursive, with the first name "John" and last name "Rodman" clearly distinguishable.

John Rodman  
Planning and Development

Cc: Mr. Franz Holscher, City of Washington Attorney  
Mr. Bobby Roberson, Washington City Manager  
Mr. Wayne Harrell, Chief Building Inspector  
Mr. Calvin McClean, Owner, 121 East 2<sup>nd</sup> Street



**Mayor**  
Mac Hodges

**City Manager**  
Bobby Roberson



**COPY**  
**Washington City Council**  
Larry Beeman  
Richard Brooks  
Doug Mercer  
William Pitt  
Virginia Finnerty

January 19, 2016

McClean Investment Co., LLC  
C/O Mr. Calvin McClean  
15780 W. Earll Drive  
Goodyear, AZ 833395

**Subject:** Board of Adjustment  
Appeal on Administrative Decision – 121 East 2<sup>nd</sup> Street

Dear Mr. McClean:

The Department of Planning and Development has received an appeal and request from Mr. Donald R. Stroud Jr. for an interpretation of an administrative decision by the Planning & Development Department concerning Section 40-510 Appeals to the Board (a) of the City of Washington Zoning Ordinance. Mr. Stroud is requesting an interpretation on the issuance of a building permit, located at 121 East 2<sup>nd</sup> Street, for the conversion of a former single family residence into a multi-family dwelling in the B1H (Business Historic District).

The Board of Adjustment will hold its public hearing on the appeal at the following date and time:

**Date:** Thursday, January 28, 2016

**Place:** City Council Chambers - City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.

**Time:** 7:00 P.M.

You are welcome to attend this public hearing and present evidence in opposition to the petition and request.

Attached for your review is a copy of the Petition and Motion for Stay.

During the meantime, should you have any questions, please feel free to call the Department of Planning and Development at 975-9383 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rodman". The signature is fluid and cursive, with the first name "John" and last name "Rodman" clearly distinguishable.

John Rodman  
Planning and Development

Cc: Mr. Franz Holscher, City of Washington Attorney  
Mr. Bobby Roberson, Washington City Manager  
Mr. Wayne Harrell, Chief Building Inspector  
Mr. Don Stroud, Petitioner

# WASHINGTON BUILDING PERMIT APPLICATION

Inspection Department: 252-975-9304; 252-975-9352; 252-975-9334

Project No: 121E 2ND ST Property Owner's Name: CALVIN MCLEAN  
 Date: 9/2/2015 Total Contract Cost: 84,000

Single Family ☐ Two Family ☒ Multi-Family ☐ Commercial ☐ Accessory Building ☐ Mobile Home ☐ Modular  
 New ☐ Addition ☐ Up-fit ☐ Alteration ☐ Demolition Other \_\_\_\_\_

**Workers Compensation Insurance Proof Must be Submitted with Application!**

Contractor: \_\_\_\_\_  
 Building Mel's Plumbing & Electric Ph# 919 671 6339 Lic. No. 43368 Contract Cost \$ 44,000  
 Electrical Mel's Plum & Elec Ph# 919 671 6339 Lic. No. 13326 Contract Cost \$ 18,000  
 Plumbing Mel's Plum & Elec Ph# 919 671 6339 Lic. No. 13855 Contract Cost \$ 11,000  
 HVAC/C Mel's Plum & Elec Ph# 919 671 6339 Lic. No. 13855 Contract Cost \$ 15,000  
 Gas Piping \_\_\_\_\_ Ph # \_\_\_\_\_ Lic. No. \_\_\_\_\_ Contract Cost \$ \_\_\_\_\_  
 Mobile Home \_\_\_\_\_ Ph # \_\_\_\_\_ Lic. No. \_\_\_\_\_ Contract Cost \$ \_\_\_\_\_  
 Other \_\_\_\_\_ Ph# \_\_\_\_\_ Lic. No. \_\_\_\_\_ Contract Cost \$ \_\_\_\_\_

E-mail: \_\_\_\_\_

**\*\*See Customer Services for Load Management requirements on electrical services.**

Total Sq. Ft.: 19,000 Unheated Sq. Ft.: 800 Porch/Deck Sq. Ft.: 300 Total 1<sup>st</sup> Floor Sqft (footprint) 6500  
 Description of Work: (Be Specific): UPFIT

A/C: Heat Pump ☐ Pkg. Unit ☒ Split system ☐ A/C / Gas ☐ Pack ☐ Furnace ☐ Gas line ☐ A/C / Oil Furnace  
 Electrical Power Co.: ☒ City of Washington ☐ Progress Energy ☐ Tideland EMC Total Amps: 700 Amp

Permit expires if work or construction is not begun within 6 months, or if construction or work is suspended or abandoned for a  
 period of 12 months at any time work has begun. I affirm that all information is true and correct that I will complete all work, call  
 all inspections in a timely manner and comply with the requirements of all local, state, and federal codes and regulations.

SIGNED: [Signature] DATE: 9/2/2015

**TO BE COMPLETED BY INSPECTION OFFICE!**

Flood Zone: ☒ AE ☐ X ☐ Shaded X ☐ Floodway Base Flood Elevation: 10 FT. Panel No: 720567500J

Engineering District: City: \_\_\_\_\_ Historic District/C.O.A. \_\_\_\_\_ ETJ: \_\_\_\_\_ Washington Park \_\_\_\_\_

Engineering Comments: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Electric Dept. Comments: \_\_\_\_\_ Date: 9/25/15 Signed: [Signature] 10/2/15  
Will need to run new wire

Electric Works Comments: \_\_\_\_\_ Date: 10-07-15 Signed: [Signature]  
PPZ REQUIRED. TAZ-PAN EXEMPT.

Marshal Comments: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Fire Dept. Comments: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_

MIT FEE: \$ 3,900 HOMEOWNER RECOVERY FEE: \$ N/A

**RECEIVED**  
9/2/2015

# CITY OF WASHINGTON BUILDING PERMIT APPLICATION

Inspection Department: 252-975-9304; 252-975-9352; 252-975-9334

Project Address: 1218 2ND ST Property Owner's Name: CALVIN MCLEAN  
 RCEL No: \_\_\_\_\_ Date: 9/2/2015 Total Contract Cost: 84,000

Single Family ( ) Two Family (X) Multi-Family ( ) Commercial ( ) Accessory Building ( ) Mobile Home ( ) Modular  
 New ( ) Addition ( ) Up-fit ( ) Alteration ( ) Demolition Other \_\_\_\_\_

*Workers Compensation Insurance Proof Must be Submitted with Application!*

tractor: \_\_\_\_\_  
 Building Mel's Plumbing & Electrical Ph# 919 671 6339 Lic. No. 43368 Contract Cost \$ 44,000  
 Electrical Mel's Plum. & Elec Ph# 919 671 6339 Lic. No. 13326 Contract Cost \$ 18,000  
 Plumbing Mel's Plum & Elec Ph# 919 671 6339 Lic. No. 13855 Contract Cost \$ 11,000  
 HVAC Mel's Plum & Elec Ph# 919 671 6339 Lic. No. 13855 Contract Cost \$ 15,000  
 Gas Piping \_\_\_\_\_ Ph # \_\_\_\_\_ Lic. No. \_\_\_\_\_ Contract Cost \$ \_\_\_\_\_  
 Mobile Home \_\_\_\_\_ Ph # \_\_\_\_\_ Lic. No. \_\_\_\_\_ Contract Cost \$ \_\_\_\_\_  
 Other \_\_\_\_\_ Ph# \_\_\_\_\_ Lic. No. \_\_\_\_\_ Contract Cost \$ \_\_\_\_\_  
 3-mail \_\_\_\_\_

*\*See Customer Services for Load Management requirements on electrical services.*

ed Sq. Ft.: 19,000 Unheated Sq. Ft.: 800 Porch/Deck Sq. Ft.: 300 Total 1<sup>st</sup> Floor Sqft (footprint) 5500  
 Description of Work: (Be Specific): UPFIT

C: Heat Pump- ( ) Pkg. Unit (X) Split system ( ) A/C / Gas- ( ) Pack ( ) Furnace ( ) Gas line ( ) A/C / Oil Furnace  
 Electrical Power Co.- (X) City of Washington ( ) Progress Energy ( ) Tideland EMC Total Amps- 700 Amp  
 it expires if work or construction is not begun within 6 months, or if construction or work is suspended or abandoned for a  
 d of 12 months at any time work has begun. I affirm that all information is true and correct that I will complete all work; call  
 l inspections in a timely manner and comply with the requirements of all local, state, and federal codes and regulations.

ED: Paul Desha DATE: 9/2/2015

**TO BE COMPLETED BY INSPECTION OFFICE!**

Zone: (X) AE ( ) X ( ) Shaded X ( ) Floodway Base Flood Elevation: 10 FT. Panel No: 720567500J

g District: City: \_\_\_\_\_ Historic District/C.O.A. \_\_\_\_\_ ETJ: \_\_\_\_\_ Washington Park \_\_\_\_\_

ing Comments: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_

ic Dept. Comments: \_\_\_\_\_ Date: 9/25/15 Signed: Alston Jankard 9/2/15

Works Comments: will need to run new wkb service w/ 3p (three phase) Date: \_\_\_\_\_ Signed: \_\_\_\_\_

arshal Comments: \_\_\_\_\_ Date: 10-7-15 Signed: [Signature]

See Comment Sheet Attached

Dept. Comments: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_

IT FEE: \$ \_\_\_\_\_ HOMEOWNER RECOVERY FEE: \$ \_\_\_\_\_

**RECEIVED**  
9/2/2015

**City of Washington**  
**Department of Fire-Rescue-EMS Services**

***Office of the Fire Marshal***

**410 North Market Street**

**Washington, NC 27889**

**Phone: (252) 948 - 9401**

**Fax: (252) 975 - 6048**

***Division Chief Mark Yates - Fire Marshal***

**PROJECT: McLean House**

**ADDRESS: 121 East Main Street**

**PLANS DATE: 10-7-2015**

**REVIEW DATE: 10-7-2015**

**COMMENTS:**

- **Address:** Address posted with minimum of 4 inch high letters plainly legible & visible from the public street or road fronting the property.
- **Fire Hydrant:** Hydrant(s) are required with-in 600 feet any portion of building as measured by an approved route around the exterior of building.
- **Exit and Emergency Lights:** Required in exit access, exit and exit discharge areas. Question on Exterior Emergency Lighting West side Exit from Stair well.
- **Fire Extinguisher:** Required per NFPA 10.
- **Sprinkler Plans:** Complete set of sprinkler plans shall be submitted for approval and permit issued before any system component is installed. Fire hydrant and FDC location shall be approved by Fire Marshal.
- **Fire Alarm Plans:** *Due to Sprinkler system requirements* a complete set of plans for fire alarm system, submitted for approval and permit issued before any alarm wiring or components installed.
- **Knox box:** Required for facility if a fire alarm or sprinkler system is installed

The approval of plans does not constitute an approval of construction methods, devices and/or construction materials. All construction materials and methods, devices, and systems shall be approved contingent of each meeting the intent of the North Carolina Fire Code and all other applicable standards.



## INSPECTION DEPARTMENT

PO Box 1988  
102 East Second Street  
Washington, NC 27889

(252) 975-9304

(252)975-9334

(252) 975-9352

Fax (252)946-1965

### Building Permit

Permit#: P004449-100915

Issue date: 10/9/2015

Job Address: 121 E 2ND ST

Contractor: Mel's Plumbing & Electric Co.

Map / Parcel: 01011003

Value of work: 40000

Owner: MATTHEW WAGNER

Class of Work: Alteration

Work Description: UPFIT HOUSE INTO 11 APARTMENTS PER PLANS

Fee	Per Unit	Quantity	Amount Charged
Residential, New Multi-Family	Per Square Foot	10000.00	1500

Total Permit Fee: \$1,500.00

I hereby certify that all information above is true and correct. That all work under this permit shall comply and conform to all city ordinances, state and federal laws pertaining thereto, whether specified or not, and in accordance with any plans submitted or required to be submitted or submitted regulating building codes and building construction in the City of Washington, NC. I further agree to remove all construction debris from the site when completed. And I am the owner or authorized by the owner to I hereby certify that all information above is true and correct. That all work under this permit shall comply to all do the work described above.

Permit shall be void if construction authorized by permit has not been commenced within six (6) months after the date of issuance thereof, or if after commencement of construction, the work is discontinued for a period of twelve (12) months; work shall not be resumed until permit has been renewed. All final inspections are mandatory before occupancy. It is unlawful and illegal to occupy any building before the certificate of occupancy has been issued.

Applicant's signature: 

10/9/2015

Building Official: 

10/9/2015

(PER N.C. GEN. STAT. §§44A-11.1, 44A-11.2, 160A-417, 153A-357, and 87-14) Project # \_\_\_\_\_ [www.liensnc.com](http://www.liensnc.com)



## INSPECTION DEPARTMENT

PO Box 1988  
102 East Second Street  
Washington, NC 27889

(252) 975-9304

(252) 975-9334

(252) 975-9352

Fax (252) 946-1965

### Building Permit

Permit#: P004449-100915

Issue date: 10/19/2015

Job Address: 121 E 2ND ST

Contractor: Furlough Construction & Realty, Inc.

Map / Parcel: 01011003

Value of work: 40000

Owner: MATTHEW WAGNER

Class of Work: Alteration

Work Description: UPFIT HOUSE INTO 11 APARTMENTS PER PLANS

Fee	Per Unit	Quantity	Amount Charged
Residential, New Multi-Family	Per Square Foot	10000.00	1500

**Total Permit Fee: \$1,500.00**

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Applicant's signature: \_\_\_\_\_

10/19/2015

Building Official: \_\_\_\_\_

10/19/2015

(PER N.C. GEN. STAT. §§44A-11.1, 44A-11.2, 160A-417, 153A-357, and 87-14) Project # \_\_\_\_\_ [www.liensnc.com](http://www.liensnc.com)

NOTE:

ench Mark is NCGS BM Z-25.  
cap set in concrete wall on the west side of the  
f the municipal building. Elevation = 9.98'  
88.

Grid Coordinates are computed from the  
numents referenced in DB:828; Pg. 322 and  
SPC 27 Datum.

roperty lies within Flood Zone AB with a  
levation of 10.0' NAVD 88. This data is  
MA FIRM map and panel number  
with an effective date of May 15, 2003.

City of Washington  
MB: 22; PG: 64

Donald R. Stroud, Jr.  
DB: 944; PG: 101

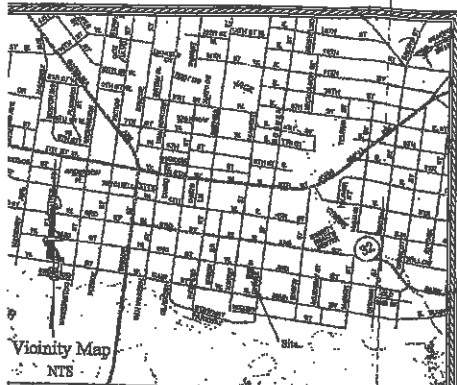
Jayne D. Wall  
DB: 1169; PG: 33

Ford W. Freeman  
DB: 694; PG: 69

Brent L. Glover  
Catherine M. Glover  
DB: 1366; PG: 194

Roland L. Matthews, Jr.  
Martha H. Matthews  
DB: 994; PG: 660

Richard M. Young  
DB: 972; PG: 575

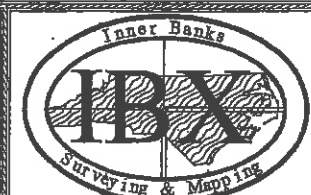
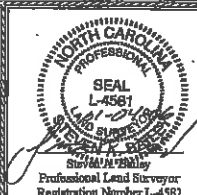


I, Steven A. Bailey, PLS L-4581  
18 Second St. Washington, NC 27889  
(252) 944-5061 Fax: (866) 224-6952  
sbailey@ibssurveying.com  
www.ibssurveying.com

Plot Number: 05014  
Date of Survey: 10/22/05  
Last Rev. 01/04/06  
Prepared by: SBA  
Reviewed by: SBA  
Signed by: SBA

I, Steven A. Bailey, certify that this plot was drawn under my supervision from an actual survey made under my supervision and description recorded in Book 1352, page 222; that the boundaries not surveyed are clearly indicated as shown from information found in Book " ", page " "; that the ratio of precision as calculated is 1:63,975; that this plot was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 4th day of January, A.D., 2006.

I, Steven A. Bailey, also certify  
That the survey is of an existing parcel or parcels of land  
and does not create a new street or change an existing street.  
\* See Adjacent.

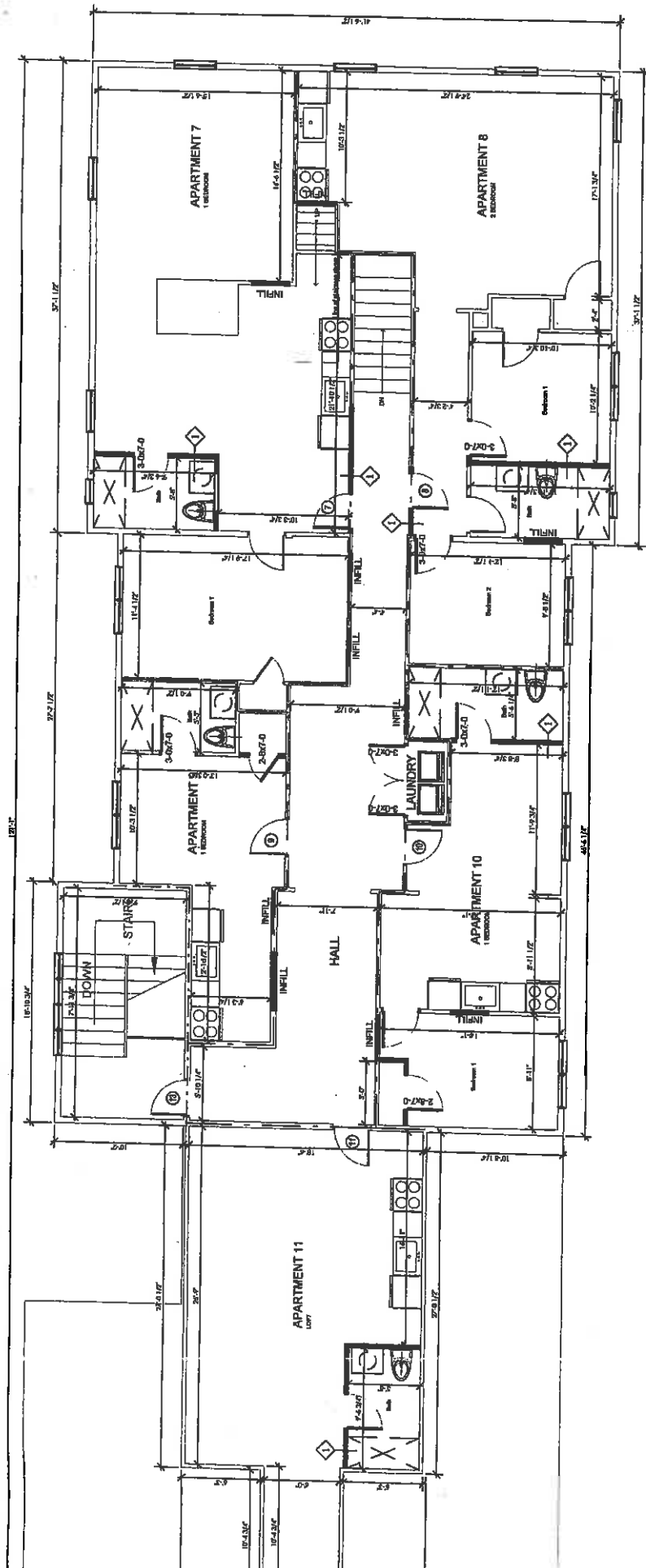


State of North Carolina  
County of \_\_\_\_\_  
I, \_\_\_\_\_, Review Officer of \_\_\_\_\_ County,  
certify that the map or plat to which this certification is affixed meets  
requirements for recording.  
Review Officer  
Date: \_\_\_\_\_





**SCALE: 1/8" = 1'-0"**



## 2nd FLOOR PLAN

SCALE: 1/8" = 1'-0"

2

A-3



City of Washington  
Board of Adjustment  
January 28, 2016

Donald R. Stroud Jr. Appeal

**Zoning Ordinance Information**

- Zoning Ordinance – Art. II – Definitions
- Zoning Ordinance – Art. III – Non Conforming Situations
- Zoning Ordinance – Art. IV – Zoning Districts
- Table of Uses – Permitted Uses
- Zoning Ordinance – Art. XI – Multi-Family Development
- Zoning Ordinance – Art. XIX – Board of Adjustment
- N.C. General Statutes – Art. 19 160A-388 – BOA\*
- Rules of Procedure – Board of Adjustment

## ARTICLE II. DEFINITIONS

### Section 40-24. Usage.

- (a) The numbers, abbreviations, terms and words used in these regulations shall be used, interpreted, and defined as this article provides; words or terms not defined shall have their customary dictionary definition. Words or terms defined in other articles shall have the definitions provided in that article.
- (b) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense: words used in the plural number include the singular; words used in the singular include the plural; the word "herein" means "in these regulations;" the word "regulations" means "these regulations;" words of any gender shall be applicable to all genders.
- (c) A "person" includes a corporation, a partnership, and an incorporated or unincorporated association of persons such as a club; "shall" is always mandatory; "may" is permissive; a "building" or "structure" includes any part thereof.
- (d) When any requirement of these regulations result in a fraction of a number unit, then a fraction of one-half ( $\frac{1}{2}$ ) or more shall be considered as the next higher whole number or unit and a fraction of less than one-half ( $\frac{1}{2}$ ) shall be disregarded. This provision shall apply to numbers including but not limited to parking requirements, numbers of dwelling units, vegetation requirements, and square footage computations.

### Section 40-25. Words and terms defined.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

**Dwelling.** A building or a portion thereof which is wholly or partly used for or intended to be used for temporary or permanent residential occupancy for one (1) or more families.

**Dwelling, Attached (One-Family Attached Dwellings).** One-family dwelling that is connected on one or more sides by means of a common dividing structure or load bearing wall of at least five (5) linear feet to one or more other one family dwelling units. Typically, such one-family attached dwelling units consist of individual townhouses for sale, duplex units for sale (two-family dwelling), condominium development or other multiplex development with individual dwelling units for sale. An individual one-family attached unit for sale may also include the sale of its accompanying individual lot of record.

## Zoning Ordinance

**Dwelling, Detached.** A one-family dwelling that is completely surrounded by permanent open spaces.

**Dwelling Unit.** A single independent housekeeping unit with sanitation, living, dining, sleeping, and permanently installed kitchen and bathroom facilities for use by one (1) family.

**Dwelling, Two-Family Attached (Duplex).** A separate and detached structure containing two (2) attached dwelling units, each designed for occupancy by one (1) family on an individual lot exclusive to such units and their accessory uses.

**Dwelling, Multifamily.** A separate and detached structure or group of structures containing three (3) or more total dwelling units on a common lot and sharing common facilities; or two (2) or more single family or two-family attached dwellings located on a common lot; or one (1) or more attached dwelling units on a common lot and sharing common facilities with a nonresidential use. Excluded from this definition are "Mobile home parks" and "Caretaker dwellings."

**Mixed Development.** A mixture of residential and permitted office and/or commercial uses.

**Nonconformity.** Any dimensional, area, use, or other situation, which does not comply with the requirements, standards or conditions set forth by the zoning ordinance, whether existing on the effective date of this chapter or following any amendment thereto.

**Principal Use.** The primary purpose for which a building structure or lot is designed, arranged or intended and for which it is or may be used under these regulations.

**Residential Use.** The use of land and buildings for domestic occupancy within dwelling units, including single family, two family attached, multifamily, boarding house, rooming house, family care home and land use intensity (rating 50) development, by the persons authorized to occupy such units. Uses not listed above shall be considered as nonresidential uses for purposes of Article 5 Permitted and Special Uses.

**Special Use.** A use of land, buildings, or structures that requires special and individual control over number, area, location, design, methods of operation, and relationship to surrounding uses in order to promote the public health, safety, and general welfare.

**Use.** Any purpose for which land, buildings, or structures are designed, arranged, intended, occupied or maintained; or any activity, conducted, or intended to be conducted, in a building, structure or on a tract of land.

**ARTICLE III. NONCONFORMING SITUATIONS**

**Section 40-34. Continuation of Nonconforming Situations and Completion of Nonconforming Projects**

- (a) Unless specifically provided in these regulations and subject to the restrictions and qualifications set forth in these regulations, nonconforming situations that were otherwise lawful on the effective date of these regulations may be continued.
- (b) Nonconforming projects may be completed only in accordance with the provisions of Section 40-40.
- (c) Nonconforming signs shall be defined and regulated in accordance with the standards of Section 40-41.

**Section 40-35. Extension or Enlargement of Nonconforming Situations.**

- (a) Except as specifically provided in this section, a nonconforming situation shall not be intensified through expansion or enlargement. The following activities are particularly prohibited:
  - (1) For nonconforming uses, an increase in the total amount of space devoted to a nonconforming use; extensions throughout any portion of a building by a nonconforming use; and an increase in volume, intensity, or frequency by a nonconforming use.
  - (2) For other nonconforming situations, greater nonconformity with respect to dimensional restrictions, density requirements, or other regulations such as parking requirements; and enclosing a previously unenclosed area that does not meet all applicable development standards.
- b) Subject to Section 40-40 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.
- (c) Subject to Section 40-40, a nonconforming use of undeveloped land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (a sand mining operation) may be expanded to within twenty (20) feet of the boundaries of the lot where the use was established at the time it became nonconforming if ten (10) percent or more of the earth products had already been removed on the effective date of these regulations.

- (d) Notwithstanding subsection (a) of this section, any structure used for single family residential purposes that is a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or intensify existing nonconformities such as failure to comply with required setbacks or parking regulations. This paragraph is subject to the limitations set out in Section 40-38 (Abandonment and Discontinuance of Nonconforming Situations). Subject to Article XIX and notwithstanding other requirements of this article, the Board of Adjustment may grant a variance from the requirements within this chapter for the enlargement of a nonconforming single-family residence.

**Section 40-36. Repairs, Maintenance, and Reconstruction.**

- (a) If a structure is located on a lot where a nonconforming use exists, then minor repairs and routine maintenance is permitted, provided the cost of such repairs and maintenance within any twelve (12) month period does not exceed ten (10) percent of the appraised valuation of the damaged structure, as shown on the Beaufort County tax records of the building, structure, or other development of land, or portion thereof.
- (b) If a structure located on a lot where a nonconforming use exists is damaged to an extent that the costs of repair or replacement would exceed twenty-five (25) percent of the appraised valuation of the damaged structure, as shown on the Beaufort County tax records at the time of such damage, then the structure, if restored, shall thereafter be devoted to conforming uses. Notwithstanding this requirement, any nonconforming owner-occupied single-family residence may be restored and used as an owner occupied residence regardless of the extent of the damage.

**Section 40-37. Change in Use of Property Where a Nonconforming Situation Exists.**

- (a) A change of use where a nonconforming situation exists shall be permitted only if the intended change is to a use that is permissible in the district where the property is located.
- (b) If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this chapter applicable to that use can be met, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this chapter is achieved, the property may not revert to its nonconforming status.
- (c) If the intended change is to a principal use that is permissible in the district where the property is located, but all the requirements of the chapter applicable to that use cannot be reasonably complied with, then the change is

## ZONING ORDINANCE

permissible if the Board of Adjustment issues a special use permit authorizing the change. The special use permit may be issued if the Board of Adjustment finds, in addition to any other findings that may be required by this chapter, that:

- (1) The intended change will not violate Section 40-35 (Extension or Enlargement of Nonconforming Situations).
- (2) All of the requirements of this chapter that can be reasonably complied with will be met. Compliance with a requirement of this chapter is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting requirements, such as a paved parking lot, does not constitute grounds for finding that compliance is not reasonably possible. Except as provided in Section 40-35(c), the applicant shall not be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.

### **Section 40-38. Abandonment and Discontinuance of a Nonconforming Use.**

- (a) When a nonconforming situation is discontinued for a consecutive period of one hundred eighty (180) days, the property involved may thereafter be used only for conforming purposes.
- (b) For purposes of determining whether a right to continue a nonconforming use is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one (1) apartment in a nonconforming apartment building for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of the nonconforming use for the required one hundred eighty (180) day period shall terminate the right to maintain the nonconforming use thereafter.
- (c) When a structure or use made nonconforming by this chapter is vacant or discontinued at the effective date of this chapter, the one hundred eighty (180) day period for purposes of this section begins to run on the effective date of this chapter.



**Section 40-39. Nonconforming Lots.**

- (a) Any single nonconforming lot of record existing as of the effective date of this ordinance that has eighty (80) percent or more of the minimum required lot area and lot width for the district where the property is located may be used as a building long as all other dimensional requirements can be met.
- (b) If any single nonconforming lot of record existing as of the effective date of this ordinance has eighty (80) percent or less of the minimum required lot area and lot width for the district where the property is located, or in any case where dimensional requirements for any nonconforming lot cannot be met, the board of adjustment may authorize a special use permit authorizing a single family residence on the lot if it finds that:
  - (1) The property cannot be reasonably developed for the use proposed without such deviations;
  - (2) Such residence will not substantially injure the value of adjoining or abutting property or significantly endanger the public health or safety if built as proposed; and
  - (3) Proposed yards, building height, and other dimensional requirements of the proposed residence will deviate from the requirements of this Chapter no more than shall be necessary to make reasonable use of the property.
- (c) Notwithstanding subsection (a) and (b) above, if a property owner owns adjoining vacant lots to a nonconforming lot, the property owner shall be required to combine one (1) or more of these lots to the nonconforming lot, in order to form one (1) conforming lot, before he shall be allowed to use the provisions of subsections (a) and (b) above.

**Section 40-40. Completion of Nonconforming Projects; Vested Rights.**

- (a) When a building permit has been validly issued for construction of a nonconforming project, such project shall be permitted to develop in accordance with the terms of that permit provided the building permit remains unrevoked and unexpired. A permit shall not expire or be revoked because of the running of time while a vested right under this section is outstanding.
- (b) A vested right shall be deemed established to any property upon the valid approval of a site plan by the person or commission having planning and zoning jurisdiction over the property. Such vested right shall confer upon the property owner the right to undertake and complete the development and use of said property under the terms and conditions of the site plan. Nothing in this section shall prohibit the City of Washington from revoking the original

## ZONING ORDINANCE

approval for failure to comply with applicable terms and conditions of the approval.

- (c) A site plan shall be deemed approved upon the effective date of action of the appropriate person or commission with planning and zoning jurisdiction over the property.
- (d) A right which has been vested as provided for in this section shall remain vested for a period of two (2) years. The vesting shall not be extended to any amendments or modifications to any site plan; the vested right shall remain only in the original site plan, as approved. A right which has been vested as provided in this section shall terminate at the end of the two year period with respect to buildings and uses for which no valid building permit applications have been filed.
- (e) A vested right, once established as provided for in this section, precludes any zoning action by the City of Washington against the property which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site plan, except as provided by State or Federal Law. Applicable new regulations shall become effective with respect to property which is subject to a site plan upon the expiration or termination of the vested rights period provided for in this section.
- (f) Notwithstanding any provision of this section, the establishment of a vested right shall not preclude, change, or impair the authority of the City of Washington to adopt and enforce zoning ordinance provisions governing nonconforming situations, lots, or uses.
- (g) A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a site plan, all successors to the original landowner shall be entitled to exercise such rights as provided herein.
- (h) Nothing in this section shall be deemed to conflict with the rights conferred upon a subdivider by the City of Washington Subdivision Regulations when preliminary plat approval has been given to a nonconforming project.
- (i) Except as provided in this section, no building permit shall be issued, nor shall any site plan approval be vested for a project that does not conform to these regulations.

## **ZONING ORDINANCE**

### **Section 40-41. Removal of Certain Nonconforming Uses Required.**

- (a) The following use shall become nonconforming in all districts as of the date of adoption of this Ordinance and shall be removed within sixty (60) months after the date of adoption:

(1) Junkyards or Automobile Graveyards

- (b) The following uses shall become nonconforming in all districts except I-1 as of the date of adoption of this Ordinance and shall be removed within sixty (60) months after the date of adoption:

(1) Salvage Yards, Auto Parts

(2) Salvage Yards, Scrap Processing

### **Sections 40-42 – 40-70. Reserved.**

## **ARTICLE IV. ZONING DISTRICTS**

### **Section 40-71. Location and Boundaries of Districts.**

The location and boundaries of the districts established by Section 40-75 through Section 40-93 of this article shall be as shown on the official zoning map.

### **Section 40-75. Zoning Districts Established.**

In order that the purposes of these regulations may be accomplished, the following zoning districts are hereby established within the jurisdiction area as described in Section 40-4. The uses prescribed in each zoning district are intended to preserve and enhance the physical character of the area as well as to conserve and stabilize property values.

### **Section 40-76. RA20 Residential Agricultural District.**

The RA20 district is primarily designed to accommodate a compatible mixture of single-family dwellings and agricultural uses at lower densities of approximately two units or less per acre. These areas are generally found in areas without sewer service that are not yet appropriate for development at higher densities.

### **Section 40-77. R15S Residential-Single Family.**

The R15S district is primarily designed to accommodate single family dwellings at lower densities of approximately three units or less per acre.

### **Section 40-78. R9S Residential Single-Family.**

The R9S district is primarily designed to accommodate single family dwellings at medium densities of approximately five units or less per acre.

### **Section 40-79. R6S Residential Single Family.**

The R6S district is primarily designed to accommodate single family dwellings at higher densities of approximately seven units or less per acre.

### **Section 40-80. RMF Residential Multi Family.**

The RMF district is primarily designed to accommodate a compatible mixture of single family, two family, and multi-family dwellings at higher densities, as set out in Article XI, Multi-Family Development.

**Section 40-81. RMH Residential Mobile Home.**

The RMH district is primarily designed to accommodate a compatible mixture of single family (including mobile home), two family, and multi-family dwellings at higher densities, as set out in Article VIII, Mobile Home Parks.

**Section 40-82. RHD Residential Historic District.**

The RHD district is primarily designed to accommodate a compatible mixture of single family, two family, and multifamily dwellings at higher densities of approximately seven units or less per acre while preserving the historic character of the district.

**Section 40-83. PUD Planned Unit Development.**

The PUD district is a special use residential zoning district that provides an alternative to traditional development standards and as further provided under Article 12.

**Section 40-84. O&I Office and Institutional District.**

The O&I district is primarily designed to accommodate a compatible mix of business, professional, and institutional uses, in addition to providing a desirable buffer between commercial and low density residential uses.

**Section 40-85. B1H Central Business Historic District.**

The B1H district is primarily designed to provide convenient shopping and service facilities by promoting compact development of commercial, office, and service uses while preserving the historic character of the district.

**Section 40-86. B2 General Business District.**

The B2 district is primarily designed to provide roadside uses which will best accommodate the needs of the motoring public and of businesses demanding high volume traffic. This district also includes the Central Business District fringe area.

**Section 40-87. B3 Shopping Center District.**

The B3 district is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the need of the community and the region. The district is established on large sites to provide locations for major developments which contain multiple uses, shared parking and drives, and coordinated signage and landscaping.

**Section 40-88. B4 Neighborhood Business District.**

The B4 district is primarily designed to accommodate convenient shopping facilities consisting primarily of necessary goods and personal services required to serve a neighborhood.

**Section 40-89. I1 Heavy Industrial District.**

The I1 district is primarily designed to accommodate those industrial, wholesale, warehouse, and other uses which by their nature may create an excessive amount of noise, odor, smoke, dust, airborne debris or other objectionable impacts which might be detrimental to the health, safety, or welfare of surrounding areas.

**Section 40-90. I2 Light Industrial District.**

The I2 district is primarily designed to accommodate those industrial, wholesale, warehouse, and other uses which by their nature do not create an excessive amount of noise, odor, smoke, dust, airborne debris, or other objectionable impacts which might be detrimental to the health, safety, or welfare of surrounding areas.

**Section 40-91. CP Corporate Park District.**

The CP Corporate Park District is primarily intended to accommodate office, warehouse, research and development, assembly uses on large sites in a planned, campus-like setting compatible with adjacent residential uses. The district also contains retail and service uses which customarily locate within planned employment centers.

**Section 40-92. AP Airport District.**

The AP district is primarily designed to accommodate a compatible mix of airport facilities and agricultural uses.

**Section 40-93. Table of Uses.**

- (a) Permitted uses, as specified on the table of uses, are indicated by the letter P.
- (b) Special uses, as specified on the table of uses, are indicated by the letter S. Special use standards are included in Article V of this chapter, pertaining to standards and criteria for special uses.
- (c) Permitted uses, subject to developmental standards (see section 40- 149), as specified on the table of uses, are indicated by the letter D.
- (d) The following uses shall be allowed only within the respective zoning districts as specified herein.

## USE TYPES

**P = Permitted Use**

**S = Special Use**

**D = Subject to Developmental Standards**

Blank = Not Permitted

## RESIDENTIAL USES

Boarding & Rooming Houses (4 or less)	7021	D	D
Common Area Recreation & Service Facilities	0000	P P P P P P	P
Congregate Care Facilities	0000	S S S S	P
Family Care Homes (6 or less)	0000	D D D D D D	D
Group Care Facilities	0000	S S S S	P
Home Occupation	0000	D D D D D D	D
Mobile Homes	0000		P
Mobile Home Park	0000	\$	P
Multifamily Dwellings	0000	S S S P P P	S P P
Private Dormitories	0000		S
Shelters, Emergency	0000	P P P P P P	P P P P P
Shelters for the Homeless	0000		
Single Family Detached Dwellings	0000	P P P P P P	S S S
Townhouse and Condominium Dwellings	0000		D
Two Family Dwellings (Twin Homes & Duplexes)	0000	S S S P P P	S P P

# B1H BUSINESS HISTORIC DISTRICT

B1H		
Permitted Uses	Developmental Standards	Special Use Permits
ABC Stores	Athletic Fields	Billiard Parlors
Acc. Dwell Units, Attached	Churches	Care Taker Dwellings
Accessory Uses and Structures	Elementary & Secondary Schools	Clubs or Lodges
Account, Audit or Bookkeeping	Government Offices	Fish Market
Ad Agencies or Representatives	Home Occupation	Hospice Homes
Admin or Management Services	Kennels or Pet Grooming Facilities	Marinas
Ambulance Services	Libraries	
Antique Stores	Public Parks	
Appliance Stores	Public Recreation Facilities	
Arts and Crafts	Satellite Dishes/T.V. & Radio Ant.	
Auditor, Coliseums, or Stadiums	Swimming Pools	
Auto Supply Sales	Temporary Events	
Automobile Parking	Townhouse & Condominium	
Auto Park Lots, Grade Level		
Bakeries		
Banks, Savings or Credit Unions		
Barber Shops		
Beauty Shops		
Bingo Games		
Bookstores		
Bowling Centers		
Building Maintenance Services		
Bldg Supply Sales(no stor yard)		
Cake Decorating Supply Stores		
Camera Stores		
Candle Shops		
Candy Stores		
Civic, Trade, or Business Org.		
Clothing Alterations or Repair		
Clothing, Shoe and Acc. Stores		
Coin Operated Amusements		
Coin, Stamp or Collectable Shop		
College or University		
Comm or Broadcasting Facilities		
Computer Maintenance & Repair		
Computer Sales		
Computer Services		
Contactors, General Building		
Cosmetic Shops		
Courier Service Substations		
Dairy Products Stores		
Dance Schools		
Depmnt, Variety, or Gen. Merc.		
Drugstores		
Econ, Soci, Educ. Research		
Engineer, Architect, or Survey		
Fabric or Piece Goods Stores		
Farmers Market		
Finance or Loan Offices		



## B1H BUSINESS HISTORIC DISTRICT

	<b>B1H</b>	
<b>Permitted Uses</b>	<b>Permitted Uses</b>	
Fire Stations	Real Estate Offices	
Flea Markets, Indoors	Record, Tape, and CD Stores	
Floor Cov, Drap, or Upholstery	Restaurants, Conventional	
Florists	Retreat Centers	
Food Stores	School Admin. Facilities	
Funeral Homes or Crematoriums	Security Services	
Furniture Repair Shops	Shelter, Emergency	
Furniture Sales	Shoe Repair & Shoeshine Shops	
Garden Centers or Retail Nurs.	Single Family Detached	
Gardens	Skating Rinks	
Gift or Card Shops	Sporting Goods Store	
Hardware Stores	Sports & Rec Clubs, Indoor	
Hobby Shops	Sports Instructional Schools	
Home Furnishings, Misc.	Stationery Store	
Hotels or Motels	Stock, Sec, or Comm Brokers	
Insurance Agencies (on site)	Tanning Salons	
Insurance Agencies (no on site)	Taxidermists	
Internal Service Facilities	Television or Radio Studios	
Jewelry Stores	TV, Radio, or Electronic Repairs	
Laundromats, Coin Operated	TV, Radio, or Electronic Sales	
Laundry or Dry Cleaning Plants	Theaters, Indoor	
Laundry or Dry Cleaning Subst	Tire Sales	
Law Offices	Tobacco Store	
Luggage or Leather Goods	Tourists Homes (B & B)	
Martial Arts Instruction Schools	Travel Agencies	
Medical or Dental Labs	Two Family Dwellings	
Medical, Dental, or Related Off	Utility Company Offices	
Miscellaneous Retail Sales	Utility Lines and Appurtenances	
Motion Picture Productions	Utility Substations	
Multifamily Dwellings	Veterinary Services	
Museums or Art Galleries	Video Tape Rental & Sales	
Musical Instrument Sales	Voca, Busi, or Secre Schools	
Newsstands	Watch or Jewelry Repair Shops	
Noncommercial Research Org.		
Office Machine Sales		
Office Uses Not Classified		
Optical Goods Sales		
Paint and Wallpaper Sales		
Pawnshops or Used Mer Stores		
Pet Stores		
Photo Finishing Laboratories		
Photocopying & Dupl Services		
Photography Studios		
Photography, Commercial		
Physical Fitness Centers		
Police Stations		
Post Offices		
Printing and Publishing		
Pump Stations		

## ARTICLE XI. MULTI-FAMILY DEVELOPMENT

### Section 40-287. Applicability.

The standards established in Section 40-288 through 40-298 shall apply to new construction and conversions of all multi-family development in residential zoning districts. Multi-family development in the B-1H zoning district shall be subject to the standards are established in Sections 40-299 through 40-302.

### Section 40-288. Procedures; Required Review, Contents.

- (a) Required Review. The developer shall submit a development plan to the Department of Planning and Development for review and approval prior to the issuance of any construction or building permits in accordance with the following:
  - (1) Site Plan Approval. For one (1) structure containing three (3) or more attached dwelling units and/or two (2) or more dwelling structures located on a common lot.
  - (2) Preliminary and Final Subdivision Plat Approval. Shall be required in accordance with the Subdivision Ordinance of the City of Washington.
- (b) Contents. The contents shall be as necessary to determine and insure compliance with the standards, conditions, and restrictions of the Zoning and Subdivision Ordinances and related laws. Specific site design elements, submission requirements, and procedures shall be in accordance with Article XVIII of this chapter, pertaining to site plan review.

### Section 40-298. Applicability.

The standards established in Sections 40-299 through 40-302 shall apply only in the B1H zoning district.

### Section 40-299. Development Standards in B1H Zoning District.

The following development standards apply in the B1H Zoning District.

- (a) Minimum Lot Area. One thousand (1,000) square feet per unit.
- (b) Minimum Lot Width. N/A.
- (c) Minimum Front, Side, and Rear Yard Setbacks. Zero (0).
- (d) Minimum Parking. One-half (0.5) spaces per bedroom.

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- (e) **Parking Location Requirements.** All required parking and parking for which bonuses are obtained must be within eight hundred (800) feet of the building they are to serve. Leased parking shall be in accordance with the applicable provisions of Article XVII of this chapter, pertaining to parking.
- (f) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article XVII of this chapter, pertaining to parking.
- (g) **Street Frontage Use Requirements.** All ground floor street frontage shall be developed for nonresidential uses, as permitted in the applicable zone. When new construction occurs for residential purposes, located in a flood zone, and off street parking is placed at ground level, the nonresidential provision does not apply.
- (h) **Preservation Design.** All applicable Historic District Guidelines shall be met and appropriate review shall be made by the Historic Preservation Commission, in accordance with Article XV of this chapter, pertaining to special districts.
- (i) **Signage.** All signs shall be erected in accordance with Article XVI of this chapter, pertaining to signs, but in no event shall be mounted over existing windows, doors, or other significant architectural features.

### **Section 40-300. Residential Density Bonus Provisions in B1H Zoning District.**

A project shall be eligible for a residential density bonus (by way of a lot area per unit reduction) if space is provided within the project for the uses, improvements, or facilities set forth below:

- (a) **Off Street Parking, Nonresidential.** The minimum ratio shall be one space per 1000 square feet of gross nonresidential area.
- (b) **Cultural/Entertainment Facilities.** Such facilities shall be open to the public on a regular basis, and shall be limited to:
  - (1) **Visual Arts Space.** Facilities that provide space for the viewing of performing arts, including but not limited to exhibition halls, galleries, concert halls, or theaters. Such space shall occupy not less than fifteen (15) percent of the total floor area of the portion of the building used for residential purposes.
  - (2) **Motion Picture Theaters.** Facilities that provide indoor space for the showing of motion pictures.
- (c) **Pedestrian Circulation Improvements.** Improvements to which the public is assured access on a regular basis, or an area that is dedicated to and

## Zoning Ordinance

accepted by the City for public access purposes. Such improvements shall be directly accessible to existing pedestrian circulation areas, and limited to:

- (1) Businesses allowing pedestrian access through at least two (2) entrances opening to different streets, sidewalks, open spaces, and/or parking lots.
  - (2) Arcades. A continuous but not necessarily enclosed space which extends along the facade of a building and has at least two (2) entrances opening directly to a street, open space, or sidewalk or which runs through a building and connects a street, open space, or sidewalk to another street, open space, or parking lot.
  - (3) Plaza. A continuous area which is open to the sky for its entire width and length, which fronts on a street, sidewalk, widening, or parking lot, and which is directly accessible to the public at all times for passive recreational purposes. The ground level of the plaza shall be constructed mainly of hard-surfaced materials, and shall be landscaped and lighted. An existing open space for which no such improvements are planned shall not qualify.
- (d) Child or Adult Day Care Facility.
- (e) Historic Structure/Rehabilitation. This bonus is applicable to those projects qualifying for the Historic Rehabilitation Tax Credit, as approved by the North Carolina Division of Archives and History and the United States Department of Interior.

### **Section 40-301. Schedules of Residential Bonuses for B1H Zoning District.**

For each amenity provided above, the project will be eligible to reduce the required lot area by the number of square feet indicated below. The maximum lot reduction allowed shall be two hundred fifty (250) square feet per unit.

REDUCTION PER UNIT	AMOUNT OF LOT AREA PROJECT AMENITY
Parking, Commercial	125 square feet
Cultural/ Entertainment	250 square feet
Pedestrian Circulation	
-Front and Rear Access	125 square feet
-Arcade	250 square feet
-Plaza	250 square feet
Day Care	250 square feet
Historic Structure/Rehabilitation	250 square feet

**Section 40-302. Conversion of Single Family Dwellings Units in the Residential Historic District.**

No existing single family dwelling unit located in the Residential Historic District (RHD) shall be altered so as to accommodate a two-family or multi-family dwelling unit. Notwithstanding any other provision of this article, any single family dwelling unit previously converted to another use, including , but not limited to, a use as a two family or multi-family dwelling unit, shall be treated as a nonconforming situation or use for the purposes of this article. All new construction of two-family or multi-family units in the Residential Historic District (RHD) shall meet standards set forth in this article.

**Sections 40-303 – 40-312. Reserved.**

## **ARTICLE XIX. - BOARD OF ADJUSTMENT**

### **Sec. 40-502. - Establishment, membership, appointment, and term.**

(a) There shall be and hereby is created a Board of Adjustment, hereinafter called the Board, consisting of five (5) members and two (2) alternates. Two (2) members of the Board and one (1) alternate shall be appointed by the Board of County Commissioners. Three (3) members and one (1) alternate shall be appointed by City Council in accordance with section 2-531(a). Appointments shall be for three-year terms.

(b) The Council may, in its discretion, appoint alternate members to serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the Board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member.

### **Sec. 40-510. - Appeals to the Board.**

(a) An appeal to the Board may be taken by any person aggrieved or by any officer, department, or Board of the city from any order, requirement, decision, or determination made by the Department of Planning and Development which is based in whole or in part upon the provisions of this article; or from any other decision for which the Board is authorized by law to hear appeals.

(b) Such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the Department of Planning and Development and with the Board a notice of appeal and specifying the grounds thereof. The Department of Planning and Development shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(c) The Board shall refuse to consider an appeal or application previously denied, if it finds that there has been no substantial changes in conditions or circumstances bearing on the appeal or application.

### **Sec. 40-511. - Stay of proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from unless the Director of Planning and Development certifies to the Board after the notice of the appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property or that because the

violation charged is transitory in nature a stay would seriously interfere with enforcement of this chapter. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Department of Planning and Development from whom the appeal is taken and on due cause shown.

**Sec. 40-512. - Powers and duties of Board.**

The Board of Adjustment shall have the following powers and duties:

(a) *Administrative review.* Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Department of Planning and Development in the enforcement of this chapter.

(b) *Special use permits.* To grant in particular cases and subject to appropriate conditions and safeguards permits for special uses as authorized by the table of uses. The Board shall not grant a special use permit unless and until:

- (1) A written application for a special use permit is submitted indicating the section of this chapter under which the special use permit is sought.
- (2) The application referred to and a recommendation is received from the Planning Board when required.
- (3) A public hearing is held, with notice given pursuant to section 40-515. A person may appear in person or by agent or attorney.
- (4) The Board finds that the circumstances of the particular application and the use for which the special use permit is sought will meet the criteria for special uses set out in article V of this chapter, pertaining to standards and criteria for special uses, especially with respect to the effect of the request on the public health, safety and welfare, and the value of property.
- (5) The Board may place any restrictions and requirements it deems necessary on any special use permit granted.

If at any time after a special use permit has been issued for any special use, the Board finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a special use permit, the permit shall immediately be terminated and the operation of such a use discontinued. If a special use permit is terminated for any reason, it may be reinstated only after the steps listed above in subsections (b)(1) through (b)(5) of this section have been met.

**ART. 19. Development**

**§ 160A-388. Board of adjustment.**

(a) **Composition and Duties.** - The zoning or unified development ordinance may provide for the appointment and compensation of a board of adjustment consisting of five or more members, each to be appointed for three years. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the city council may appoint certain members for less than three years so that the terms of all members shall not expire at the same time. The council may appoint and provide compensation for alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member. The ordinance may designate a planning board or governing board to perform any of the duties of a board of adjustment in addition to its other duties and may create and designate specialized boards to hear technical appeals.

(a1) **Provisions of Ordinance.** - The zoning or unified development ordinance may provide that the board of adjustment hear and decide special and conditional use permits, requests for variances, and appeals of decisions of administrative officials charged with enforcement of the ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The board of adjustment shall follow quasi-judicial procedures when deciding appeals and requests for variances and special and conditional use permits. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development.

(b1) **Appeals.** - The board of adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

- (1) Any person who has standing under G.S. 160A-393(d) or the city may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the city clerk. The notice of appeal shall state the grounds for the appeal.
- (2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- (3) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to



- appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- (4) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
  - (5) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
  - (6) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
  - (7) Subject to the provisions of subdivision (6) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time.
  - (8) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or

determination that ought to be made. The board shall have all the powers of the official who made the decision.

- (9) When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).
- (10) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

(c) Special and Conditional Use Permits. - The ordinance may provide that the board of adjustment may hear and decide special and conditional use permits in accordance with standards and procedures specified in the ordinance. Reasonable and appropriate conditions may be imposed upon these permits.

**(e) Voting. -**

- (1) The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- (2) A member of any board exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

**(e2) Quasi-Judicial Decisions and Judicial Review. -**

- (1) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair

or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

- (2) Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(f) Oaths. - The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

(g) Subpoenas. - The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

## **RULES OF PROCEDURE BOARD OF ADJUSTMENT**

### **Article I - GENERAL RULES**

The Board of Adjustment shall be governed by the terms of Chapter 160A Article 19 of the General Statutes of North Carolina and other general and special state laws relating to planning in the City of Washington, the Code of the City of Washington, as well as by the resolution by which this board was established.

### **Article II - OFFICERS AND DUTIES**

A. Chairman. A Chairman shall be elected by majority vote of the full membership of the Board of Adjustment. The term of office of the Chairman shall be for one year, and he/she shall be eligible for re-election. The Chairman shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Board. The Chairman shall have a vote on all matters before the Board.

B. Vice Chairman. A Vice Chairman shall be elected by the Board from among its regular members in the same manner and for the same term as the chairman. The Vice Chairman shall serve as Acting Chairman in the absence of the Chairman, and at such times, shall have the same powers, duties, and voting rights as the Chairman.

C. Secretary. The Director of Planning and Development of the City of Washington, or his designee, shall serve as Secretary to the Board. The Secretary, subject to the direction of the Chairman, shall keep all records, shall conduct all correspondence of the Board, and shall generally supervise the clerical work of the Board.

D. Minutes. The Secretary, or person designated by the Secretary, shall keep the minutes of every meeting of the Board, which minutes shall be a public record. The minutes of the meeting of the Board of Adjustment shall be kept in the office of the Director of Planning and Development at the Municipal Building and shall be open to the public for inspection. The minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, findings of fact and determinations of the Board, and all votes of Board members upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote. The minutes of each meeting shall be delivered to the City Attorney for approval as to form and shall be approved, disapproved, or amended by the Board of Adjustment at the next regular meeting.

### **Article III - MEMBERS, TERMS, AND OPERATION**

Membership, terms, and operation of the Board of Adjustment shall be governed by Chapter 160A, Article 19, Part 3 of the General Statutes of North Carolina and by Chapter 27, Article VIII (Board of Adjustment) of the Code of the City of Washington.

#### Article IV - RULES OF CONDUCT

- A. Members of the Board may be removed for cause, including violation of the rules stated below.
- B. Regular members are expected to attend all regular meetings of the Board of Adjustment. When any member has missed three (3) or more consecutive regular meetings or fails to attend seventy-five (75) percent of all regular meetings, the Chairman of the Board of Adjustment shall notify the City Council of that member's attendance. Appointments shall be made in accordance with Article III of these Rules of Procedure.
- C. No member shall be excused from voting except upon matters involving the consideration of his own financial interest or other conflicts of interest. Requests from exclusion in voting shall be decided by a simple majority of the Board.
- D. No Board member shall vote on any matter deciding an application or appeal, unless he shall have attended the public hearing on that application or appeal.
- E. No Board member shall discuss any case with any parties in interest prior to the public hearing on that case, provided however, that members may receive and/or seek information pertaining the case from any other member of the Board or staff personnel to the Board. (VIOLATION OF THIS RULE SHALL BE CAUSE FOR DISMISSAL.)

#### Article V – MEETINGS

- A. Regular Meetings. Regular meetings of the Board shall be held on the first Thursday following the second Monday of each month at 7:00 p.m. in the City Council chambers on the second floor of the Municipal Building, provided that meetings may be held at some other time, date, or convenient location in the City, if directed by the Chairman of the Board and publicly advertised as required by law.
- B. Special Meetings. Special meetings of the Board may be called at any time by the Chairman or by any three (3) regular members of the Board. Notice shall be given as required by law. If a special meeting is called in order to hear an appeal or application, the need for convening a special meeting must be based on all the following:
  - 1. The need has not been created by the applicant's own actions;
  - 2. The need has been created by unusual or unexpected circumstances that cannot be handled at the next regular meeting of the Board.
- C. Cancellation of Meetings. Whenever there is no business for the Board, the Secretary may dispense with a regular meeting by giving notice to all members.
- D. Agenda. The Secretary shall prepare an agenda for each regular meeting. All items of business to come before the Board shall be presented to the Secretary no later

than 5:00 P.M. on the 15th of the month immediately proceeding the month of the meeting at which the request will be heard. Items received after 5:00 P.M. on the 15th of the month immediately preceding the month of the meeting at which the request will be heard shall not be placed on the agenda for consideration by the Board. The Secretary will not prepare an agenda for special meetings unless so directed by the Chairman. Items to be placed on the agenda must conform to instruction sheets pertaining to said request (Attached hereto) and/or shall comply with the requirements as designated in the specific ordinance related to said request. Items which do not conform completely to the above requirements shall not be placed on the Board of Adjustment agenda until the following month. Agendas, containing the items to be considered by the Board, relevant facts and information, and staff recommendations, shall be sent to each member of the Board at least 24 hours before any regularly scheduled meeting.

E. Quorum. A quorum shall consist of four members from the Board. The number required for a quorum shall not be affected by vacancies. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for the purpose of determining whether or not a quorum is present.

F. Voting. No member shall be excused from voting except upon matters involving the consideration of his own financial interest, official conduct, family interests, business interests, or involving any other conflict that, in the opinion of a majority of the rest of the Board, would unfairly bias the decision of the member with the conflict. In all other cases, a failure to vote by a member who is physically present in the meeting room or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. A four-fifths majority of all members of the Board of Adjustment not excused from voting on the question in issue shall be required to pass any matter, unless otherwise provided in these Rules of Procedure. Alternate members are not permitted to vote on any issue if five (5) regular members, who have not been excused from voting on an issue, are present. If less than five (5) regular members are present, or if a regular member is excused from voting on an issue, any alternate member may take the place of the regular member and vote.

G. Conduct of Meetings. All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) opening of meeting; (b) roll call; (c) old business; (d) new business; (e) approval of minutes of previous meetings; (f) report of committees; (g) other business; (h) adjournment.

## **Article VI - APPEALS AND APPLICATIONS**

A. Types of Appeals. The Board shall hear and decide all appeals from and review any order, requirement, decision, or determination made by the Department of Planning and Development. It shall also hear and decide all matters referred to it or upon which it is required to pass by the zoning ordinance of the City of Washington.

B. Procedures for Filing Appeals. No appeal shall be heard by the Board of Adjustment unless notice thereof is filed within thirty (30) days after the date of the order, requirement, decision, or determination from the Department of Planning and

Development. All applications for hearings shall be filed with the Department of Planning and Development of the City of Washington. All applications shall be made upon the form furnished for the purpose and all required information shall be provided by the applicant before an appeal or an application shall be considered as having been filed.

C. Fees. No application or notice of appeal shall be considered as having been completed until the filing fee set by the City of Washington has been paid.

D. Time of Hearings. After receipt of the completed notice of appeal from the applicant, the Secretary shall schedule a public hearing at the next regular meeting or at a special meeting held in accordance with Article V, Section B of these rules of procedure.

E. Notice. The Board shall give public notice of a hearing by all of the following means:

1. By publishing or advertising notice of the hearing in a newspaper of general circulation in the city of Washington and the surrounding area once at least five (5) days prior to the date; established for such public hearing.
2. By mailing notices to the owners of all properties located within one hundred (100) feet of any portion of the property which is the subject of the action at least five (5) days prior to the hearing. Before a notice of appeal is considered as being complete, the petitioner shall be required to furnish the Department of Planning and Development with the names and mailing addresses of the owners of all properties located within one hundred (100) feet of any portion of the property which is the subject of the action. All such notices shall state the location of the building or lot, the general nature of the question involved, and the time and place of the hearing.

F. Conduct of Hearing. Any party may appear in person or by agent or by attorney at the hearing. The order of business for each hearing shall be as follows: (a) A representative of the Department of Planning and Development shall give the preliminary statement of the case; (b) the applicant and those who wish to speak on his behalf shall present the argument in support of his application; (c) persons opposed to granting the application shall present the argument against the application; (d) both sides will be permitted to present rebuttals to opposing testimony; (e) A representative of the Department of Planning and Development shall present the Departments views and recommendations, (f) The Board deliberates on the matter and votes, and (g) The chairman or the Department of Planning and Development staff explains the decision and its significance to those present and for the record. Witnesses may be called and factual evidence may be submitted, but the Board shall not be limited to consideration of such evidence as would be admissible in a court of law. The Board may, in its discretion, view the premises and obtain additional facts in the matter before arriving at a determination of the case.

G. Rehearings. An application for a rehearing may be made in the same manner as provided for an original hearing. The application may be submitted by the original party

or by an aggrieved party. Evidence in support of a rehearing shall initially be limited to that which is necessary to enable the Board to determine at least one (1) of the following:

1. New facts or evidence is available for which there was no capacity of being obtained at the previous meeting and that will substantially change the conditions of the case.
2. Procedural rules which substantially changed the conditions of the case were not followed. However, no harmless error shall be grounds for granting a rehearing. A harmless error is one which would not have changed the outcome of the matter, or for which refusal to rehear does not deny a substantial right. The application for a rehearing shall be denied if the Board in its records does not find at least one (1) of the (2) conditions stated above to be true. A vote of a simple majority of the Board members present is required to grant an application for a rehearing. If the Board finds that a rehearing is in order, the burden of proof shall be on the person requesting the rehearing.

#### H. Decisions.

1. Time. Decisions by the Board shall be made within forty five (45) days from the time of the hearing.
2. Filing. A separate record of each case shall be prepared and filed in the Department of Planning and Development.
3. Public Record of Decisions. The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Board. The decision shall be a public record, available for inspection at all reasonable times.

### ARTICLE VII - GENERAL MATTERS

A. Expiration of Permits. Permits for special use permits and variances shall run with the land or until the conditions under which the special use permit or variance was granted have changed.

B. Amendments. These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than three (3) members of the Board, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Adopted January 11, 1996  
BOARD OF ADJUSTMENT  
Chairman



City of Washington  
Board of Adjustment  
January 28, 2016

Donald R. Stroud Jr. Appeal

**Historic District – Certificate of Appropriateness Information**

- COA\* Application – KARC Enterprises
- KARC Enterprises – Award Letter & COA
- COA\* Application – McLean Investment Co. LLC
- McLean Investment Co. LLC – Award Letter & COA
- COA\* Application – Calvin McLean
- Calvin McLean – Award Letter & COA
- Historic District Map

\*Certificate of Appropriateness

CITY OF WASHINGTON  
HISTORIC PRESERVATION COMMISSION  
APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

Date January 21, 2006Fee N/A**A: Information on Structure Under Consideration**Address: 121 East 2<sup>nd</sup> StreetCurrent Owner: KARC EnterprisesTax Parcel Number: 5675-88-9077

This document does not constitute the issuance of a Building Permit. It is the responsibility of the applicant to obtain all necessary permits before commencing work. Contact the Inspections Dept. at 975-9383. Has a Building Permit been obtained? YES        NO        N/A       .

**B: Information on Person Making Application**Name: Kevin ClancyAddress: 122 Man-O-War DriveCity: Washington State: NC Zip: 27889 Phone: 940-0976**C: Proposed Changes to Structure**

I (We) respectfully request a Certificate of Appropriateness be issued in accordance with the City of Washington Zoning Ordinance for the following reason: (details of the proposed project)

To convert the residential structure to an inpatient hospice care facility – this includes  
adding an addition to the rear of the structure – creating a new accessory building – adding  
handicap ramps and various repair and replacement projects – see enclosed

**D: I (We) understand approved requests are valid for one year.**

Note: Applicants, and/or their agents or parties of interest are prohibited from any contact in relation to this matter with Historic Preservation Commission members prior to the public hearing.

**FOR OFFICE USE ONLY:****ACTION****DATE**

- |   |                             |
|---|-----------------------------|
| <input type="checkbox"/> Approved                 | <u>                    </u> |
| <input type="checkbox"/> Approved with Conditions | <u>                    </u> |
| <input type="checkbox"/> Denied                   | <u>                    </u> |
| <input type="checkbox"/> Withdrawn                | <u>                    </u> |
| <input type="checkbox"/> Staff Approval           | <u>                    </u> |

Respectfully Submitted,

Kevin Clancy/jr

Signature



### Curb & Gutter

### 52' Right-of-Way

~~East Second Street~~

### 41' Back to Back

Proposed

N 658091.92  
E 2578880.44

## Curb & Gutter

8' Conc. Walk

### Conc. Sidewalk

City Parking Lot

**Carb & Gutter**

S61°55'28"E

105 781 5.5' OHP Conc. Walk

Conc. Wall

Conc. Wall

4" Tree 34.92

14<sup>8</sup> Elm 34.35

### Wood Pouch

-NEW CONC. &  
WOOD RAMP

-NEW HVAC UNITS, SEE  
MECHANICAL DRAWING

NEW FIRE  
PROTECTION  
BOX. SEE FP  
DRAWINGS

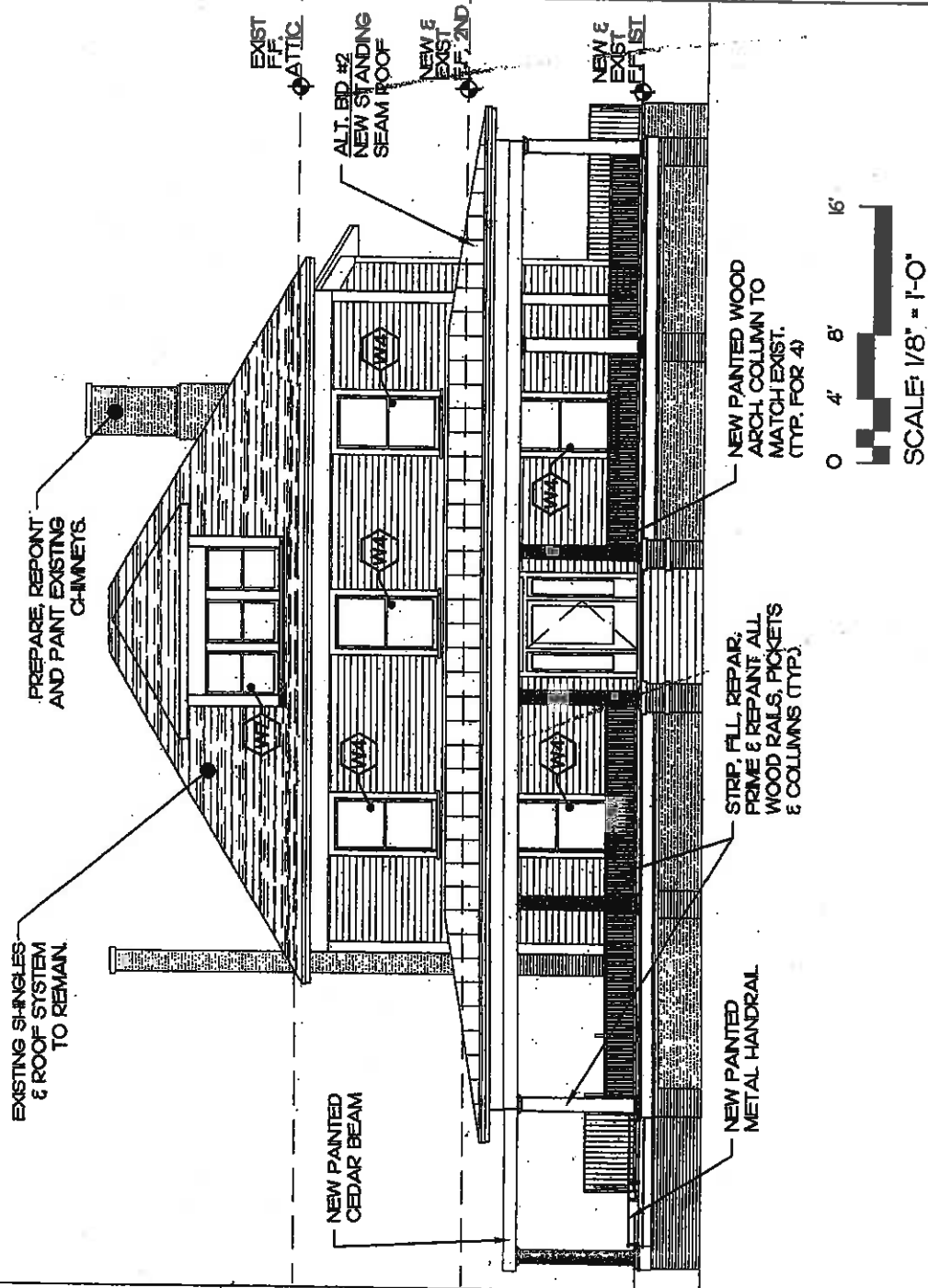
NEW 4"  
(3500 PSI)  
CONC.  
SIDEWALK

ALTERNATE BID  
NEW CHAPEL  
FF. - 10.0'

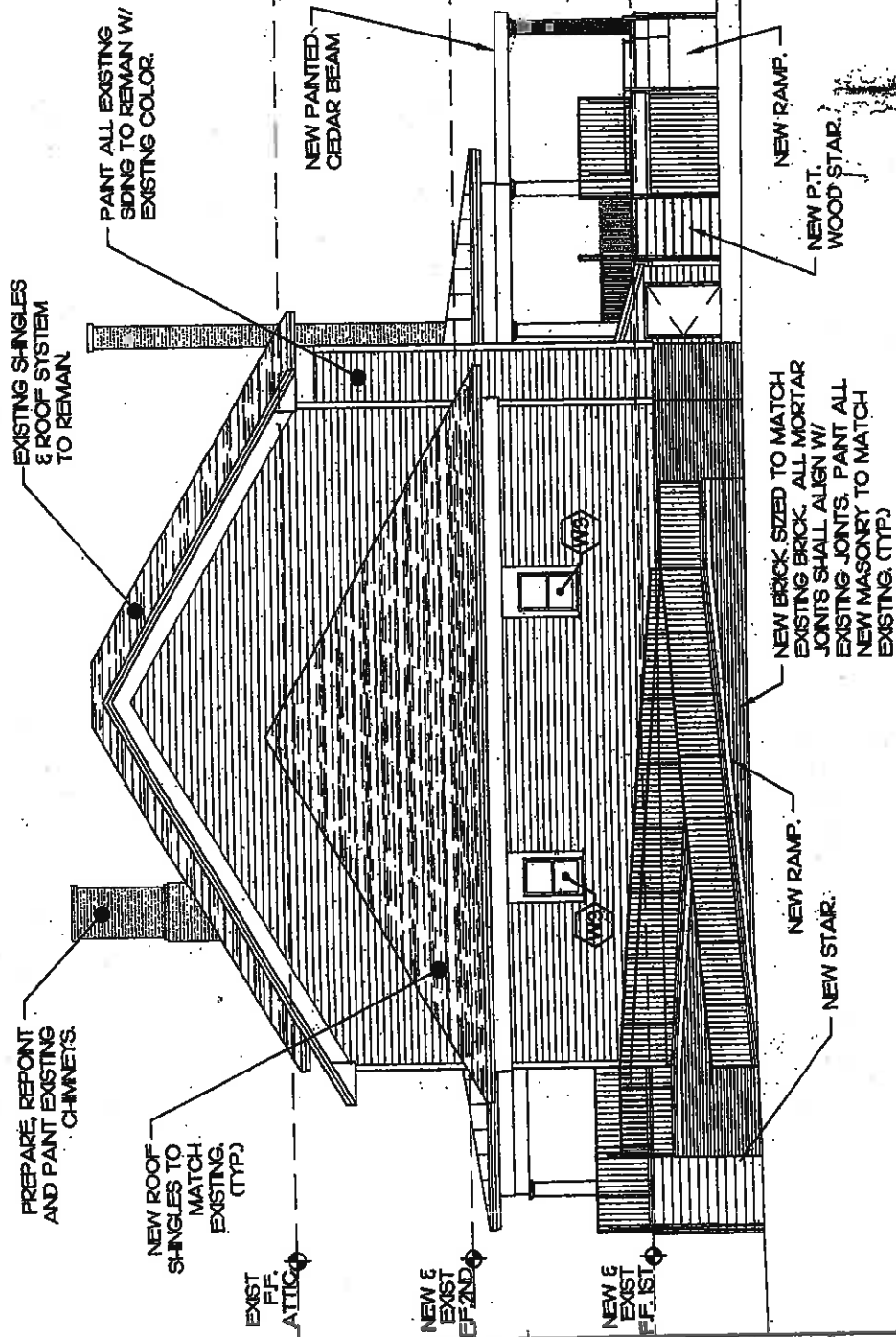
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ADDITION  
FF +4.50'  
MATCH EXIST

-NEW CONC  
RAMP

NEW EMERGENCY  
OPERATOR RAD.

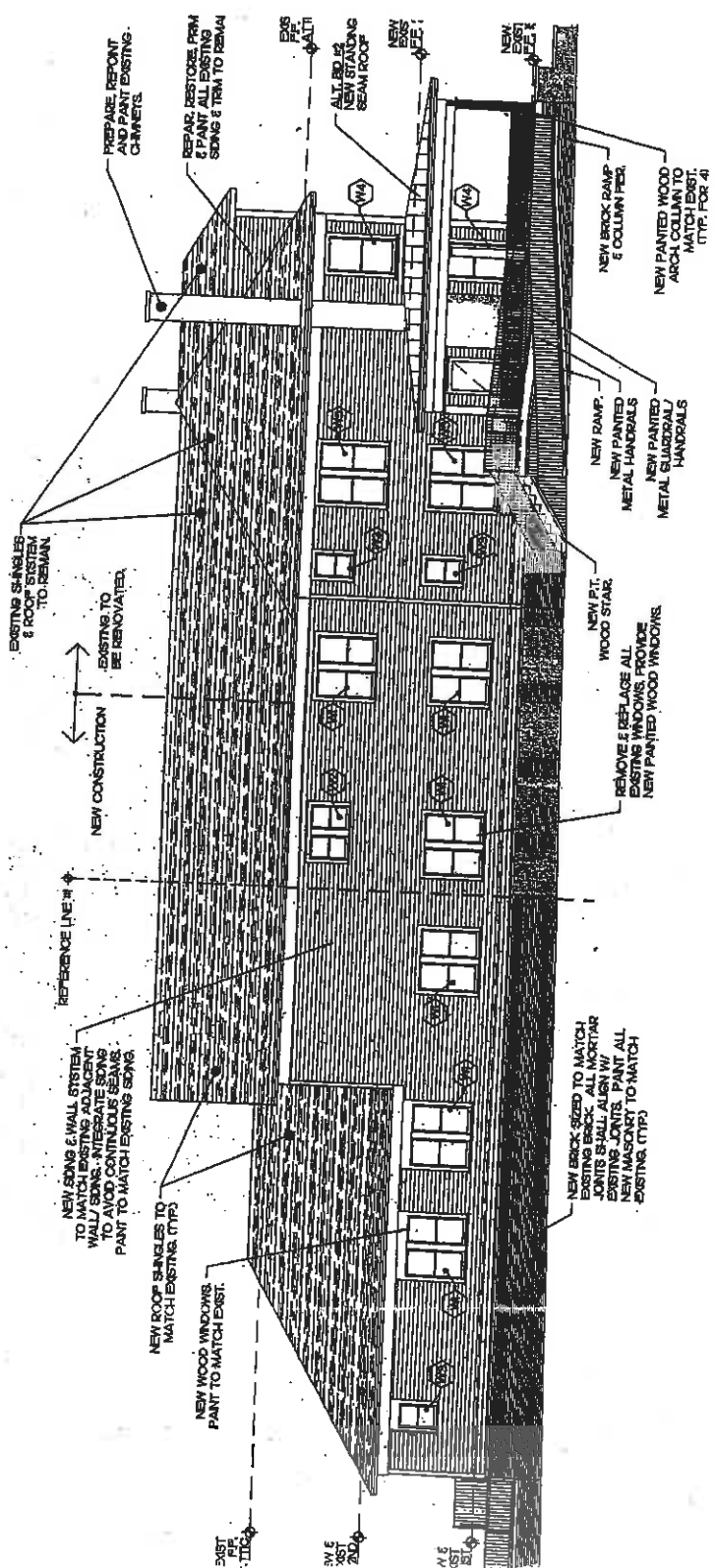


NORTH ELEVATION AI5  
1/8" = 1'-0"

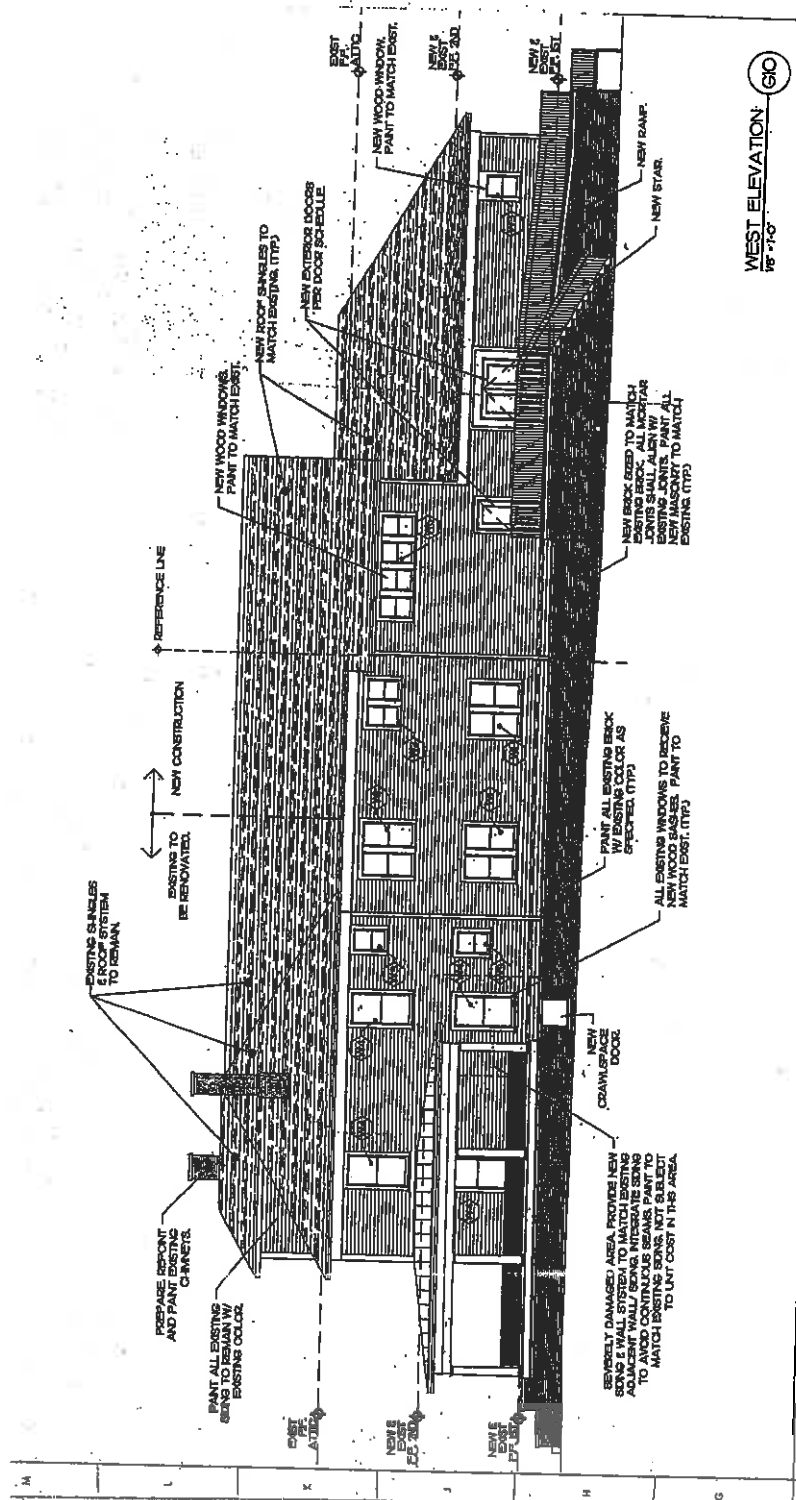


GENERAL NOTE

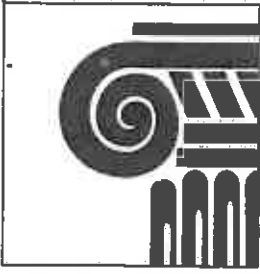
SOUTH ELEVATION G15  
1/8" = 1'-0"



EAST ELEVATION A10  
1/8" = 1'-0"







# CITY OF WASHINGTON

## DOWNTOWN DEVELOPMENT □ HISTORIC PRESERVATION

February 13, 2006

Mr. Kevin Clancy  
KARC Enterprises  
122 Man-O-War Drive  
Washington, NC 27889

Dear Mr. Clancy:

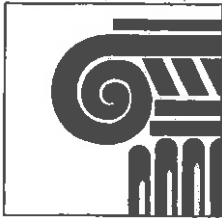
Your request for a Certificate of Appropriateness to convert the structure to a hospice care facility and construct the improvements to the structure located at 121 East 2<sup>nd</sup> Street was approved at the February 8, 2006 regular meeting of the Washington Historic Preservation Commission. The approval of a Certificate of Appropriateness does not constitute the issuance of a Building Permit. It is the responsibility of the applicant to obtain all the necessary permits before commencing work. I have enclosed a copy of your approved Certificate of Appropriateness. Please contact the Planning Department at 975-9384 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rodman". The signature is fluid and cursive, with a large initial "J" and "R".

John Rodman, AICP  
Planning Administrator

Cc: Mr. Allen Pittman  
Building Inspections



City of Washington Historic Preservation Commission  
CERTIFICATE OF APPROPRIATENESS

NAME: Kevin Clancy - KARC Enterprises

ADDRESS: 122 Man-O-War Drive PHONE: 940-0976

BEGIN WORK DATE: February 9, 2006


EXPIRATION DATE: February 9, 2007

The above (NAME) is granted this Certificate of Appropriateness for the activities listed below, with the following stipulations, to conform with the decision of the Historic Preservation Commission.

1. To construct improvements to the structure located at 121 East 2nd Street.
  - a. add an addition to the rear of the structure.
  - b. create a new accessory building in the rear yard.
  - c. add to handicap ramps.
  - d. replacement of windows and siding.
  - e. various repair and replacements as needed.
2. The Certificate of Appropriateness shall be consistent with the presented improvements.
3. All in accordance with approved Certificate of Appropriateness dated February 8, 2006.

If at any time after the Certificate of Appropriateness is issued, the terms of the Certificate of Appropriateness approval are not being met, enforcement shall be undertaken by the City of Washington, in conformity with the provisions of the Washington City Code.

Any changes made to the approved plans must be reviewed by the City Department of Planning and Development prior to being undertaken.

  
Authorized Signature, City of Washington

## APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

Historic Preservation Commission  
Washington, NC

COPY

To: Washington Historic Preservation Commission  
102 East 2nd Street  
Washington, NC 27689

Please use Black Ink

Street Address of Property: 121 E. 2ND ST.

Historic Property/Name (if applicable): \_\_\_\_\_

Owner's Name: McLean Investment Co., LLCLot Size: 104 feet by 217 feet.  
(width) (depth)

Brief Description of Work to be Done:

ADD WINDOW/DORMER TO REAR 2ND FLOOR

I understand that all applications for a Certificate of Appropriateness that require review by the Historic Preservation Commission must be submitted by 5:00 p.m. on the 15th of the month prior to the meeting I wish to attend; otherwise consideration will be delayed until the following HPC meeting. An incomplete application will not be accepted. I understand approved requests are valid for one year.

Office Use Only	
(Date Received)	(Initials)
<b>ACTION</b>	
<input type="radio"/> Approved	_____
<input type="radio"/> Approved with Conditions	_____
<input type="radio"/> Denied	_____
<input type="radio"/> Withdrawn	_____
<input type="radio"/> Staff Approval	_____
(Date)	(Authorized Signature)

CAVIN McLEAN, by AGENT FOR, SCOTT CAMPBELL  
(Name of Applicant - type or print)213 N. MARKET ST. WASHINGTON NC  
(Mailing Address) (Zip Code) 276897-22-15 252.362.1569  
(Date) (Daytime Phone Number)Scott Campbell  
(Signature of Applicant)

Upon being signed and dated below by the Planning Department or designee, this application becomes a Minor Works Certificate of Appropriateness. It is valid until \_\_\_\_\_. Issuance of a Minor Works Certificate shall not relieve the applicant, contractor, tenant, or property owner from obtaining any other permit required by City code or any law. Minor work projects not approved by staff will be forwarded to the Historic Preservation Commission for review at its next meeting.

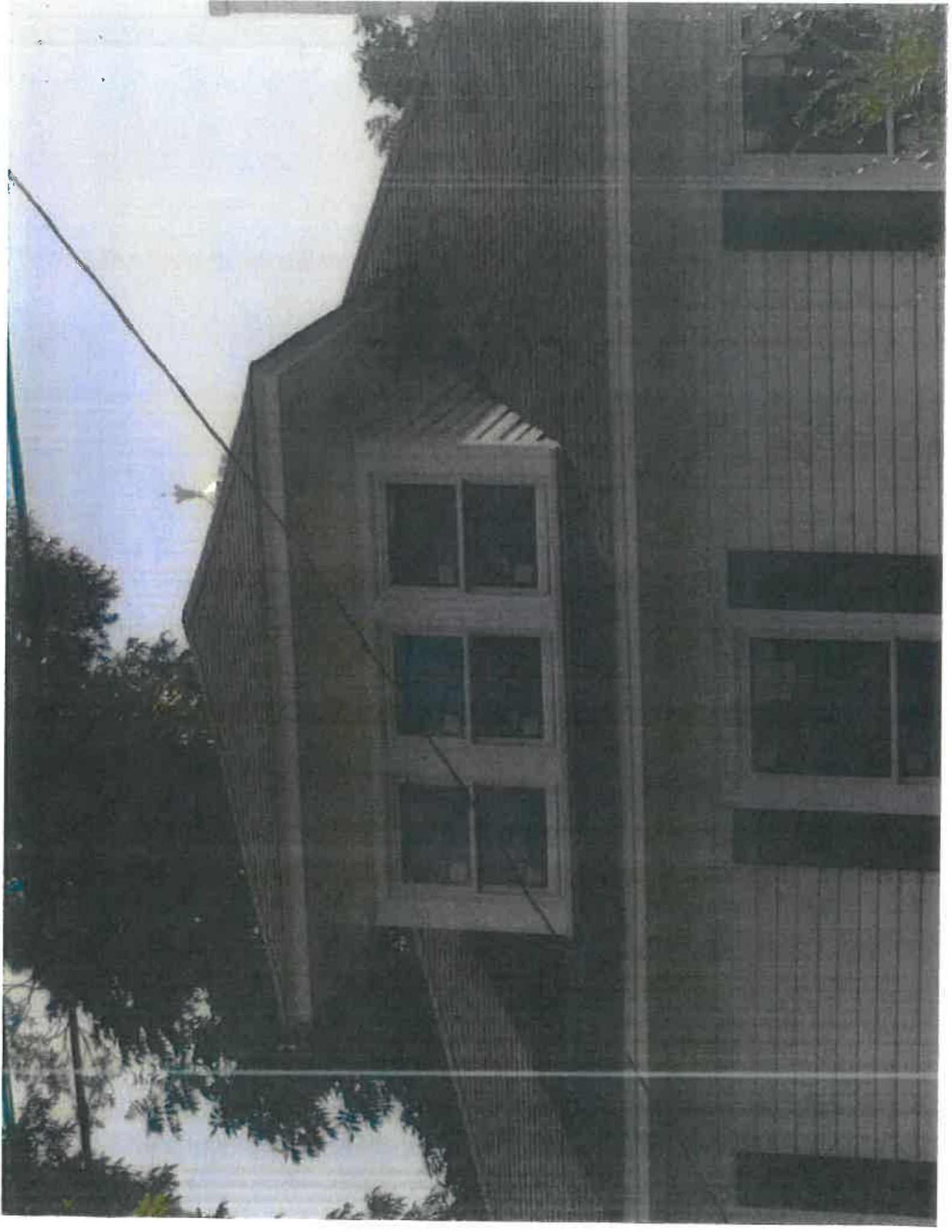
(Minor Work Auth. Sig.)

(Date)

Applicant's presence or that of your authorized representative is required at the meeting of the Historic Preservation Commission at which the application is to be considered. You must give written permission to your authorized representative to attend the hearing on your behalf.











**CITY OF WASHINGTON**  
**DOWNTOWN DEVELOPMENT □ HISTORIC PRESERVATION**

**COPY**

August 10, 2015

McLean Investments Co. LLC  
C/o Scott Campbell  
213 North Market Street  
Washington, NC 27889

RE: COA - Approval

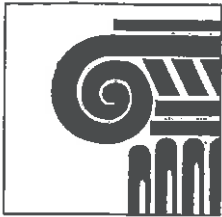
Dear Mr. Campbell:

The request for a Certificate of Appropriateness to construct and add a window/dormer to the 2<sup>nd</sup> floor at the rear of the structure located at 121 East 2<sup>nd</sup> Street was approved at the August 4, 2015 regular meeting of the Washington Historic Preservation Commission. The approval of a Certificate of Appropriateness does not constitute the issuance of a Building Permit. It is the responsibility of the applicant to obtain all the necessary permits and final approval before commencing work. I have enclosed a copy of your approved Certificate of Appropriateness. Please contact the Planning Department at 975-9384 if you have any questions.

Sincerely,

John Rodman, AICP  
Planning and Development

Cc: Mr. Allen Pittman, Building Inspections



City of Washington Historic Preservation Commission  
CERTIFICATE OF APPROPRIATENESS

COPY

NAME: McLean Investment Co. LLC

ADDRESS: 121 East 2nd Street Washington PHONE: 252-362-1569

BEGIN WORK DATE: August 5, 2015

EXPIRATION DATE: August 5, 2016

The above (NAME) is granted this Certificate of Appropriateness for the activities listed below, with the following stipulations, to conform with the decision of the Historic Preservation Commission.

1. To construct improvements to the property located at 121 East 2nd Street.
2. Add window/dormer to the 2nd floor at the rear of the structure.
3. The construction shall be consistent with the presented improvements.
4. Planning Department shall be contacted on any changes to approved plans.
5. All in accordance with approved Certificate of Appropriateness dated August 5, 2015.

If at any time after the Certificate of Appropriateness is issued, the terms of the Certificate of Appropriateness approval are not being met, enforcement shall be undertaken by the City of Washington, in conformity with the provisions of the Washington City Code.

Any changes made to the approved plans must be reviewed by the City Department of Planning and Development prior to being undertaken.

Authorized Signature, City of Washington



APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS  
Historic Preservation Commission  
Washington, NC

To: Washington Historic Preservation Commission  
102 East 2nd Street  
Washington, NC 27889

Please use Black Ink

Street Address of Property: 121 E 2ND ST

Historic Property/Name (if applicable): \_\_\_\_\_

Owner's Name: CALVIN MCLEAN

Lot Size: \_\_\_\_\_ feet by \_\_\_\_\_ feet.  
(width) (depth)

Brief Description of Work to be Done:

INSTALL WOOD RAILING + SPINDLES TO  
WHEEL CHAIR RAMP.

I understand that all applications for a Certificate of Appropriateness that require review by the Historic Preservation Commission must be submitted by 5:00 p.m. on the 15th of the month prior to the meeting I wish to attend; otherwise consideration will be delayed until the following HPC meeting. An incomplete application will not be accepted. I understand approved requests are valid for one year.

Office Use Only	
(Date Received)	(Initials)
<b>ACTION</b>	
<input type="radio"/> Approved	_____
<input type="radio"/> Approved with Conditions	_____
<input type="radio"/> Denied	_____
<input type="radio"/> Withdrawn	_____
<input type="radio"/> Staff Approval	_____
(Date)	(Authorized Signature)

CALVIN MCLEAN  
(Name of Applicant - type or print)

121 E 2ND ST  
(Mailing Address)

(Zip Code)

OCT 22/15  
(Date)

909 553 8617  
(Daytime Phone Number)

Calvin McLean  
(Signature of Applicant)

Upon being signed and dated below by the Planning Department or designee, this application becomes a Minor Works Certificate of Appropriateness. It is valid until \_\_\_\_\_. Issuance of a Minor Works Certificate shall not relieve the applicant, contractor, tenant, or property owner from obtaining any other permit required by City code or any law. Minor work projects not approved by staff will be forwarded to the Historic Preservation Commission for review at its next meeting.

(Minor Work Auth. Sig.)

(Date)

Applicant's presence or that of your authorized representative is required at the meeting of the Historic Preservation Commission at which the application is to be considered. You must give written permission to your authorized representative to attend the hearing on your behalf.



DOWNTOWN DEVELOPMENT  
& HISTORIC PRESERVATION

November 4, 2015

Calvin McLean  
121 E. Second Street  
Washington NC 27889  
**RE: COA – Approval**

Dear Mr. McLean,

At the November 3rd, 2015 regular meeting of the Washington Historic Preservation Commission the request for a Certificate of Appropriateness to install wood railing on the wheelchair access ramp of the property was approved.

It is the responsibility of the applicant to obtain all the necessary permits and final approval before commencing work. I have enclosed a copy of your approved Certificate of Appropriateness. Please contact the Planning Department at 975-9384 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emily Rebert', with a long horizontal flourish extending to the right.

Emily Rebert  
Community Development Planner  
Historic Preservation  
erebert@washingtontnc.gov  
252.946.0897

Cc: John Rodman, AICP: Planning and Community Development Director  
Wayne Harrell, Building Inspections



DOWNTOWN DEVELOPMENT  
& HISTORIC PRESERVATION

November 4, 2015

NAME: Calvin McLean

ADDRESS: 121 East Second Street Washington NC 27889

BEGIN WORK DATE: November 4, 2015

EXPIRATION DATE: November 5, 2016

The above (NAME) is granted this Certificate of Appropriateness for the activities listed below, with the following stipulations, to conform with the decision of the Historic Preservation Commission.

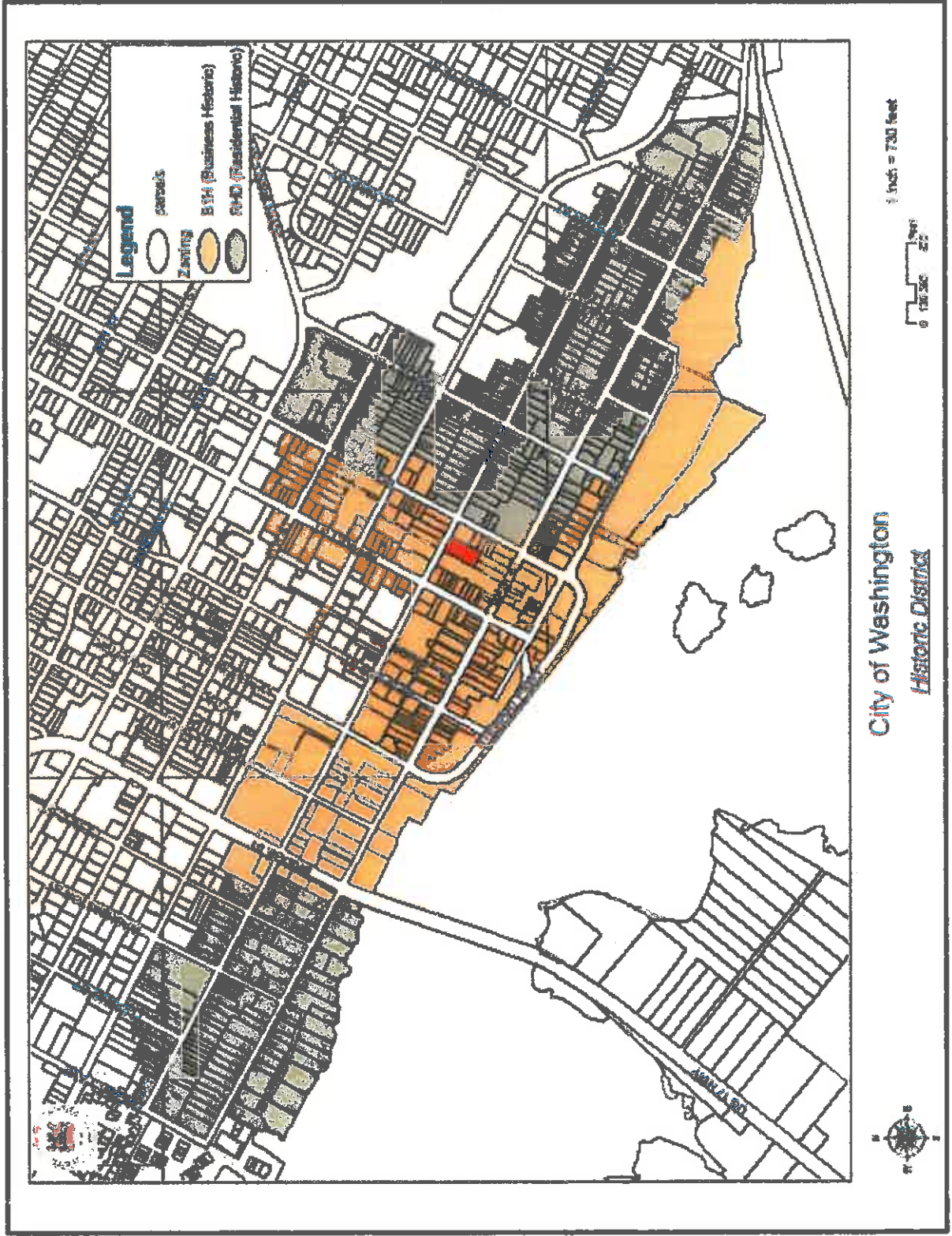
To install wooden railings onto the wheelchair access ramp. The railings will be constructed to look similar to the bannisters of the porch.

If at any time after the Certificate of Appropriateness is issued, the terms of the Certificate of Appropriateness approval are not being met, enforcement shall be undertaken by the City of Washington, in conformity with the provisions of the Washington City Code.

Any changes made to the approved plans must be reviewed by the City Department of Planning and Development prior to being undertaken.

  
Authorized Signature, City of Washington

# Historic District



**WASHINGTON BOARD OF ADJUSTMENT MINUTES**

**Regular Scheduled Meeting**

**Thursday, October 22, 2015**

**7:00 PM**

**Members Present**

Derik Davis

Ronald Lundy

Steve Fuchs

Charlie Manning

**Members Absent**

Tim Cashion

**Others Present**

John Rodman, Director

Glen Moore, Planning Administrator

Emily Rebert, Historic Planner

Jessica Green, Administrative Support

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**I. Opening of the meeting.**

The Chairman called the meeting to order.

**II. Invocation**

A moment of silent meditation was taken.

**III. Roll Call**

A silent roll call was taken by staff.

**IV. Old Business**

1. None

**V. New Business**

1. A request has been made by Mr. Patrick Griffin to appeal the decision of the Historic Preservation Commission that denied his application to replace the existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 315-317 West 2<sup>nd</sup> Street. The appeal is in accordance with the Historic District Design Guidelines

**Chapter 1. Introduction to Design Guidelines, Section 1.5 Certificate of Appropriateness Process, Appeals.**

2. A request has been made by Mr. Patrick Griffin to appeal the decision of the Historic Preservation Commission that denied his application to replace the existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 319 West 2<sup>nd</sup> Street. The appeal is in accordance with the Historic District Design Guidelines Chapter 1. Introduction to Design Guidelines, Section 1.5 Certificate of Appropriateness Process, Appeals.

Mr. Pat Griffin came forward and was sworn in. Mr. Fuchs (Chairman) explained that with Mr. Griffin's permission he would like to combine the two requests and address the vinyl windows in one part and then the siding in another. Mr. Griffin stated that he would be fine with that.

Mr. Rodman came forward and explained the request and the documents included in the packet. Mr. Rodman explained that originally Mr. Griffin appeared before the Historic Commission and requested to replace the rotten wood siding with hardi-board siding to match the existing siding on the structures. Mr. Rodman explained that at that time there was no request for the windows it was just the siding. Mr. Rodman stated that the board members packet included the COA application and also a description of the work that was to be done at that time. That stated that Mr. Griffin wanted to replace the wood siding with hardi plank on the three sides of his structures that did not face Second Street. Mr. Rodman stated the original intent was not to replace the wood siding on the front of the structures facing Second Street. Mr. Rodman explained that the Historic Preservation Commission did approve that request, to replace the siding on the tree elevations but leaving the wood siding on the front on both structures. Steve Fuchs stated that it was his understanding that hardi plank siding according to the historic guidelines is not allowed on remodel, it is only allowed on new construction, so the Historic Preservation Commission actually gave him approval against their own guidelines to try and work with him. Mr. Rodman explained that there are guidelines and the Commission looks at each request on a case by case basis. He stated that traditionally hardi plank is not allowed, but they did allow it on three sides of these particular homes. Steve Fuchs then asked if the Commission has allowed hardi plank siding on three sides of any other homes in the district. Mr. Rodman stated that they have. Mr. Rodman stated that the minutes from the Historic Preservation meeting was included showing the Commission's discussion and decision.

Mr. Rodman then fast forwarded to September of 2015. After placing hardi plank siding on the three elevations on those two structures Mr. Griffin came back to the Historic Commission and wanted to add hardi plank siding to the front elevations of those two structures and at that time vinyl windows on all four sides on both structures. Mr. Fuchs asked if vinyl windows are allowed based on the guidelines. Mr. Rodman stated that the Commission has allowed vinyl windows in the past. Mr. Derik Davis stated that he felt they were allowed in an effort to work with the property owners and vinyl windows are not allowed in the guidelines. Mr. Rodman stated that Mr. Davis was correct. Mr. Rodman explained that the Commission did not combine the two requests and looked at the two separate structures. He explained that the Commission denied his request for hardi plank siding on the front facades and they also denied the use of vinyl siding on the front facades, however they did allow vinyl windows on the three sides of the

structures not facing the street. Mr. Rodman stated that the minutes from that meeting were also included in the Board's packet.

Mr. Rodman stated that Mr. Griffin did submit a proper application on a petition to appeal those decisions for vinyl windows and hardi plank siding on the front of the structures. And of course those appeals come before the Board of Adjustment. Mr. Rodman then gave the Board a couple points of law and explained the process and the job of the Board of Adjustment in an appeal. He explained that the Board does not rehear the case; they act on the evidence presented to them. He stated that the Board needs to look at five questions when considering an appeal: "Was there an error in law?", "Were proper procedures in both statute and ordinance followed?", "Was due process secured?", "Was there competent material/evidence to support the decision?" "Was the decision arbitrary or capricious?" Mr. Rodman stated that the Board has those five questions to consider when looking at the appeal. He then explained the three options the Board has when making their decision. He explained that the Board of Adjustment should not reverse the Commission's decision simply because they do not think it was the right decision or because it is of your opinion that the decision is not correct. He explained that there has to be some point of order or error of law for the Board to overturn the Commission's decision. Mr. Rodman then explained that any vote has to have a 4/5 majority to be approved, so since there are only four members present any vote has to be a unanimous vote. Derik Davis pointed out that the Memorandum of Law included in their packets covers most of the points Mr. Rodman discussed.

The Chairman opened the floor.

Mr. Don Stroud, resident of 127 East 2<sup>nd</sup> Street and President of the Washington Area Historic Foundation, came forward. Mr. Stroud stated that he has served on the Historic Preservation Commission in the past. Mr. Stroud asked that the Board affirm the Historic Commission's decision that they made regarding Mr. Griffin's request. Mr. Stroud stated that he liked Mr. Griffin very much and he has followed all the rules when filing his applications. Mr. Stroud stated that in reviewing the items and being present at the meeting he did not think the Commission made an error and he certainly did not think that they acted in an arbitrary or capricious manner. Mr. Stroud stated that personally he and the Foundation object to hardi plank on any historic structure and vinyl windows on any part of a historic structure certainly they have been allowed in the past. He stated that the evidence before them is when Mr. Griffin came before the Historic Commission that he presented evidence that the wood on his three elevations were rotten and that is why he requested that they be removed and replaced with hardi plank. The Commission agreed and allowed him to put up the hardi plank. They did not allow nor did he ask to remove the wood from the front of the structures. Mr. Stroud stated that the wood on the front was removed and unfortunately thrown away and Mr. Griffin requested replacing it with hardi plank. Mr. Stroud stated that at that point he was given a full hearing and all neighbors were notified and after considering all of the evidence the Commission denied his request. Mr. Stroud stated that he cannot recall any time vinyl was allowed on the front of an existing historic home. Mr. Stroud stated that the City's certification as a historic district recognized by the government is at stake if the Commission's decision is overturned. Mr. Stroud stated that he didn't feel any of the grounds that would cause the Board to overturn the Commission's ruling were present.

Dee Congleton came forward and was sworn in. Ms. Congleton stated that since they are in the historic district they fall under the guidelines from the Secretary of Interior for standards for rehabilitation. Ms. Congleton then quoted from their guidelines referencing to alternative material and like materials on historic homes.

Pat Griffin came forward. The Chairman explained to Mr. Griffin that he does have the option to postpone his request until they have a full board. Mr. Griffin stated that he would like to proceed. Mr. Griffin stated that he is challenging the decision of the Commission based on the fact that their decision was arbitrary and capricious. Mr. Griffin addressed the windows first. He stated that there has been several times in the past year and half that the Commission has allowed vinyl windows on all four sides of a house. Mr. Rodman recalled a house on East 2<sup>nd</sup> Street where they were allowed to install one vinyl window. Mr. Griffin went through and addressed cases where vinyl windows were allowed by the Commission and read directly from minutes from those meetings. Mr. Rodman addressed some of the cases and explained that the guidelines allow replacement windows in the Central Business District. The Chairman asked if there was any information available showing the number of replacement window request and how many were approved versus denied. Mr. Rodman stated that he didn't have an exact number but can say that the Commission has denied vinyl windows in the past. Mr. Rodman explained that the guidelines are there to guide the Commission but they do act based on each individual case and situation. Mr. Fuchs asked if Mr. Griffin brought this up at the Historic Preservation Commission meeting. Mr. Griffin stated that he did not.

Mr. Stroud came forward to address Mr. Griffin's claims. Mr. Stroud went through and discussed some of situations and the reasoning why the Commission allowed the replacement windows. Mr. Fuchs then asked about the shape of the windows. Mr. Griffin stated that the windows are in pretty bad shape and it is not feasible to replace them. Mr. Fuchs asked about the number of windows. Mr. Griffin stated that it would be four on the front of each house, so eight in total. The Board, Mr. Griffin, and Mr. Rodman discussed the windows further. Derik Davis asked how it would affect the historic district if vinyl windows started popping up in homes. Mr. Davis asked if it would jeopardize the historic district's status as provided to them through the Department of Interior. Mr. Rodman stated that it could jeopardize the district's status and possibly compromise the district. Mr. Rodman stated that with the residential and commercial district there are about 600 structures in the historic district. Mr. Fuchs stated that if Mr. Griffin's statements are correct then they are looking at 2 or 3 homes with vinyl windows out of 600 structures at this point. Derik Davis and Mr. Griffin then talked about the cost to replace the windows with wooden windows.

Mr. Davis stated that if the Historic Commission had not worked with him and allowed vinyl windows on the other three sides of the houses, then he would have potentially had to replace all the windows with wooden windows or not do anything at all. Mr. Davis stated that out of good will the Commission extended the opportunity to Mr. Griffin to use vinyl windows on three sides of the houses and tried to work with him. Mr. Davis stated that it seemed to him that it was made clear from the beginning that the Commission was not going to allow Mr. Griffin to put vinyl windows on the front. Mr. Fuchs and Mr. Davis stated that they didn't feel that allowing 3 homes out of 600 homes necessarily labeled them as being arbitrary and capricious. Mr. Davis then stated that the Board of Adjustment's decision may be far reaching and precedent setting. He stated that the Board is not there to rehear the request or redo the work of the Historic Commission, their duty is to determine in this particular matter if the Commission



made an era in law, were their procedures not followed, did they deny due process, was it supported by competent material and substantial evidence, or was their decision arbitrary and capricious. Mr. Davis stated that he appreciates the fact that Mr. Griffin wants to improve the look of these two properties, but Washington is a City rich in history and there has to be some guidelines and protection for that history. He stated that he didn't feel it was his job to undo that. Mr. Davis stated that he went and looked at the windows. He stated that he is no expert but he didn't see anything with his layman eyes that would prevent them from being rehabbed. He stated that he felt the Commission followed everything through. Mr. Griffin again talked about the cost to replace the windows with wooden windows. Mr. Charlie Manning stated that he too is having a hard time finding means to state that the Commission was being arbitrary and capricious. Mr. Manning stated that the problem he had was if the Board decided to overturn this decision then where is the fairness to all the other home owners in the historic district who have taken the extra expense and the extra time and effort to maintain their homes under the guidelines as they are listed. He stated that maybe they should look into changing some things, but the Board has to work with what they have in front of them. Mr. Griffin spoke about the cost to keep up historic homes and the condition of many homes in the district. He also spoke about the Commission allowing alternative materials for other elements like columns on homes.

Mr. Rodman then explained to the Board that the Commission has allowed homeowners to replace aluminum siding with hardi plank because it is considered an upgraded material. The Board pointed out that this is another reason why the Commission looks at each request on a case by case basis. Mr. Fuchs stated that Mr. Griffin should have brought up these discrepancies to the Commission and allowed them to address them at their meeting. Mr. Rodman explained that the Board of Adjustment can only consider the same material that the Historic Commission had, so in all actuality the Board should not consider the cases Mr. Griffin presented because that evidence was not presented to the Historic Commission. Mr. Fuchs stated that it seems to him that Mr. Griffin needed to go back to the Commission and present these new findings.

Derik Davis made a formal motion to uphold the decision of the Historic Commission as it relates to the windows at 317 and 319 West 2<sup>nd</sup> Street. Ronald Lundy seconded the motion. All voted in favor and the motion carried and the appeal was denied.

The Board then addressed the siding appeal. Mr. Griffin presented the board with a sample of the deteriorated wood siding that was on the front of the houses. Mr. Griffin discussed the cost to paint and upkeep wood siding from year to year. Mr. Griffin again talked about the cost of wood siding. Mr. Davis stated that the hardi plank siding looks very nice on the three sides, but the guidelines do not say what looks nice they preserve what is historically accurate. Mr. Davis then stated it is expensive to own old homes. Mr. Davis stated that hardi plank on front facades is just not historically accurate. Mr. Manning stated that ¾ of the homes are now in a low maintenance position and that is a major step forward. Mr. Manning stated that in keeping with the historic district it seemed to him that it is a very small thing to ask for Mr. Griffin to maintain the wood siding on at least ¼ of the homes.

Derik Davis made a motion to uphold the decision of the Historic Commission as it relates to the siding at 317 and 319 West 2<sup>nd</sup> Street. Ronald Lundy seconded the motion. All voted in favor and the motion carried. The appeal was denied.

Donald Stroud came forward and served the Board of Adjustment the City with a petition to appeal a building permit that was issued for 121 E 2<sup>nd</sup> Street. John Rodman stated that this is the first step in the process and Mr. Stroud will need to complete an application for an appeal. He then read from the Point of Law on how the process works.

**VI. Adjourn**

There being no other business Derik Davis made a motion to adjourn. Ronald Lundy seconded the motion.